

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.8892 of 2013
& M.P.Nos.1 of 2013, 2/2013 and 1/2014

L.E.CHITRA

[PETITIONER]

Vs

- 1 THE DIRECTOR GENERAL OF POLICE
DIRECTORATE GENERAL, CRPF
CGO COMPLEX, LODHI ROAD
NEW DELHI-110003.
- 2 THE INSPECTOR GENERAL OF POLICE
SOUTHERN SECTOR, CRPF
ROAD NO.10C, JUBILEE HILLS
NEAR MLA/MP COLONY. GAYATHRI HILLS
HYDERABAD-500033.
- 3 THE INSPECTOR GENERAL OF POLICE
NORTH EASTERN SECTOR, CRPF
SHILLONG
MEGALAYA.
- 4 DEPUTY INSPECTOR GENERAL OF POLICE
CHENNAI RANGE, CRPF
AVADI, CHENNAI- 65.

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order of 1st Respondent dated 01.03.2013 in No. T.IX.40/2013-MIN and consequential transfer order of 3rd Respondent dated 25.03.2013 in proceedings No. T.IX.15/2013-NES-ADM-3 and quash the same in petition concerned and forbear the respondents from transferring the Petitioner herein till completion of her normal tenure

For Petitioner : Mrs.R.Gouri

For Respondents : Mr.S.Sathyannarayanan, ACGSC

O R D E R

The challenge in this Writ Petition is to the order dated 1.3.2013 on the file of first respondent and the consequential order passed by the third respondent dated 25.03.2013, whereby and whereunder the petitioner was transferred from Avadi to Silchar, Assam.

2. The transfer order is challenged by the petitioner primarily on the ground that she was given home posting only by the last order, posting her at Avadi. Her husband is an employee of Central Reserve Police Force. According to the petitioner, her children are studying in Chennai and any transfer made during the middle of the academic year would affect their studies. The petitioner has given details of service rendered by her in Bangalore, Shivapuri in the State of Madhya Pradesh and Nagpur in the State of Maharashtra. Finally, she was transferred from Bangalore to Avadi on 21.11.2011.

3. The petitioner by placing reliance on sub clause (b) of para 3 of the Standing Orders, has taken up a contention that the normal tenure of posting in all States and duty Battalion located in areas other than North East Region, Jammu and Kashmir, would be four years. She has completed one year and three months at Avadi. The petitioner therefore seeks to quash the impugned orders and to permit her to serve at Avadi till the present term is completed in November 2015.

4. When this Writ Petition came up on hearing on 16.02.2015, taking into account the submissions made on behalf of the petitioner and the respondents, I have indicated that it would not be possible to permit her to stay at Avadi till November 2015. I have also indicated that the request to permit her to continue at Avadi till the end of this academic year could be considered by the respondents.

5. The learned Standing Counsel for the respondents, on instructions, submitted that in case the petitioner is permitted to continue at Avadi, others also would follow the suit.

6. The core question is as to whether the respondents were justified in transferring the petitioner from Avadi during the middle of the academic year. The elder son of the petitioner is stated to be a student of B.Tech., at Chennai and second son is

studying in VIII Standard at Central School, Chennai. The petitioner is therefore justified in her contention that in case she is made to shift from Avadi to Silchar, Assam, midstream, it would unsettle the family condition. I am therefore of the view that reasonable time should be given to the petitioner to join at the transferred place.

7. The petitioner has filed an affidavit dated 23.02.2015 indicating that she would join immediately after completion of the current academic year at Silchar, Assam. Paragraph 4 of the affidavit reads thus:

"4. The petitioner unconditionally undertakes to go and join the new place of posting after completion of current academic year (i.e) by 1.6.2015. Petitioner abides to relieve from GC, CRPF, Avadi and join the new place of posting by 1.6.2015."

8. In view of the peculiar circumstances of the case and taking into account the undertaking given by the petitioner, I am of the view that the petitioner should be given time till 1.06.2015 to join the transferred place at Silchar, Assam. The petitioner is directed to join duty on or before 1.6.2015.

9. The third respondent is directed to pass a consequential order permitting the petitioner to work at Avadi till 31.5.2015 with a condition that she should join at the transferred place positively on 1.6.2015.

10. The Writ Petition is allowed to the extent indicated above. No costs. The connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ajr

To

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CHENNAI RANGE, CRPF
AVADI, CHENNAI- 65.

1 cc to Mr.S.Sathyanarayanan, Advocate, Sr. 10108

1 cc to M/s. R. Gouri, Advocate, sr. 10369

W.P.No.8892 of 2013

SAI (CO)
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