

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-

-

WRIT PETITION No.38579 of 2015

-

DATED : 30.11.2015

Between :

V. Rohinamma W/o.Sreekanth Reddy,

Aged about 39 yrs, Occu : Head Constable in CRPF,

I.D.No.940990143, HC/GD (Mahila),

R/o.Quarter No.703, Block No.53,

Type-II Hakimpet, Secunderabad.

.. Petitioner

and

Union of India,

Rep., by its Secretary,

Home Affairs,

New Delhi & 3 others.

.. Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-

-

WRIT PETITION No.38579 of 2015

-

ORDER :

The petitioner is working as a Head Constable in Central Reserve Police Force. According to the petitioner she has rendered 22 years of satisfactory service and worked at various places such as Ahmedabad, Delhi and from there transferred to Hakimpet, Secunderabad and is working from 18.02.2014. According to petitioner she was suffering from illness since long time and in order to take treatment, she applied for medical leave which was sanctioned on 09.06.2015 and has undergone surgery on 19.07.2015. Accordingly leave was further extended. The said leave expired on 27.11.2015. While so, she is now with an order of transfer to Regional Training Centre, Peringome, which is in the State of Kerala. Aggrieved by the transfer order, petitioner appealed for retention at the present station. The petitioner also went to Delhi to seek personal appearance and to make request. But no such personal appearance was granted. Now, the order of transfer is served on the petitioner compelling her to go to Kerala. Aggrieved by the said order, this writ petition is filed.

2. Learned counsel for the petitioner submits that petitioner was suffering with several ailments and she is now recouping. At this stage, if petitioner is transferred, it would cause great hardship to the petitioner. Learned counsel also states that petitioner is blessed with a daughter and a son who are studying 9th and 7th class respectively in Kendriya Vidhyalaya School at Picket, Secunderabad. If the petitioner is transferred at this stage, before completion of the present academic session, it will cause great hardship to the children of the petitioner. Her daughter is suffering from Rheumatoid disease and taking treatment in the hospital. She requires medical attention. Thus, her absence at this stage would cause great hardship to the girl child who is studying 9th class. Learned counsel therefore, submits that petitioner ought to have been retained. Alternatively, he submits that petitioner be retained till completion of the present academic session of Kendriya Vidyalaya School.

3. Learned counsel further contends that ordinarily a person's posting at one station is for a period of four years and petitioner has not completed four years tenure in the present station and therefore, transfer is in violation of the transfer

guidelines.

4. Learned Standing counsel on instructions, states that though petitioner has not completed four years tenure at the present station, but having regard to the requirements in the Regional Training Centre, Peringome, petitioner is deputed to undertake training work to the women cadets undergoing training in the center. The petitioner has successfully undergone the Test of Training course with good grade and having regard to her merit only she was chosen.

5. Learned Standing counsel submits that in exigency of service, an employee can be transferred at any time, though guidelines, in normal course, stipulate 4 years tenure.

6. It is settled principle that transfer guidelines cannot be enforced in the Court of law. Ordinarily an employer follows the guidelines to ensure a fixed tenure at a particular place for the employee. However, in exigencies of service, it is permissible for the employer to transfer wherever such services are required in public interest.

7. In view of the stand of respondents that the petitioner is deputed in recognition of her performance in Test of Training course, the said transfer being in public interest, it cannot be said that arbitrarily the petitioner was picked up for transfer. However, having regard to the contention of the petitioner that her daughter is now pursuing 9th class, and that she is suffering from Rheumatoid disease, in the peculiar facts of this case, the respondents are directed to retain the petitioner at the present station until the petitioner's children complete their present academic session. The petitioner shall immediately get herself relieved after the academic session is over and report before the place of posting.

8. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

30th November, 2015

Rds