

HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.22273 OF 2015

ORDER

Heard learned counsel appearing for the petitioner and learned Assistant Solicitor General appearing for the respondents.

This writ petition is filed seeking to declare the action of the 2nd respondent in transferring the petitioner from 198 Battalion, CRPF, Visakhapatnam to 232 (M) Battalion, CRPF, Ajmer, as arbitrary and arbitrary.

The petitioner was appointed as Mahila Constable in 1995 at 135 Battalion, CRPF, Gandhinagar, Gujarat. Subsequently, she was transferred to 198 Battalion CRPF, Visakhapatnam on 4.11.2011 and since then, she has been discharging her duties there. The husband of the petitioner, who is Head Constable in CRPF, is also working at Visakhapatnam and both of them were blessed with two children, who are studying at Visakhapatnam. While so, the 2nd respondent issued notice dated 30.04.2015 transferring the petitioner to 232 (M) Battalion CRPF, Ajmer.

The version of the petitioner is that she was transferred to 198 Battalion CRPF, Visakapatnam on 4.11.2011 and she has not completed her normal tenure in that Battalion and that the proposed transfer would cause hardship and inconvenience to her. In that regard, the petitioner submitted a representation dated 30.05.2015 to the respondents to retain her at Visakhapatnam as she applied for Voluntary Retirement with effect from 30.3.2016.

As per the Standing Orders governing the transfers, an employee, who is at the verge of retirement, i.e., in the last three years of service, may be given his/her choice posting/ near home posting.

Admittedly, the children of the petitioner are studying at Visakhapatnam and the petitioner is going to retire by 31.3.2016. Explaining the circumstances, the petitioner made representation dated 30.05.2015 to the respondents to retain her at 198 Battalion, Visakhapatnam, but so far no orders have been passed thereon.

Having regard to the facts and circumstances of the case, the respondents are directed to consider the representation dated 30.5.2015 submitted by the petitioner and pass appropriate orders thereon, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, 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.

JUSTICE R.KANTHA RAO

20th July, 2015
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Note: Issue CC tomorrow.