

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 02.11.2016

Date of verdict: 18.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.23176 of 2016

and W.M.P.Nos.19875, 19876, 27099 and 27100 of 2016

I.M.Paulraj

... Petitioner

vs.

- 1 The Union of India Rep by its
Secretary to Government Ministry of Home
Affairs New Delhi
- 2 The Director General Central
Industrial Security Force CGO Complex
Lodhi Road New Delhi- 110 003
- 3 The Additional Inspector
General/ Airport Sector Additional Director
General Airport Sector Central Industrial
Security Force CGO Complex Lodhi Road New
Delhi-110 003
- 4 The Deputy Inspector General
Airport Sector Central Industrial Security
Force Rajaji Bhawan Besant Nagar Chennai-
600 090.
- 5 The Commandant
Airport Security Group CISF Unit Central
Industrial Security Force Unit Trivandrum

... Respondents

Writ Petition filed under Article 226 of the
Constitution of India for the issuance of writ of Certiorarified
Mandamus to call for the records relating to the Airport Sector
HQ Service order No.121/2016 in No.E-38014/2/2016/AS/Adm/IZT-
2016 (HC/GD)/-4881 dated 08.06.2016 in so far as Item No.350 is

concerned passed by the third respondent and the movement order No. E-38014/CISF/ASG Trivandram/Adm/127/2016/3331 dated 22.8.2016 and quash the same and to direct the respondents to post the petitioner in the Home Zone Posting. (Prayer amended as per order dated 19.9.2016 in WMP No.27098/2016 in WP.NO.23176/2016.

For Petitioner : Mr.M.Md.Ibrahim Ali
For Respondents : Mr.N.Siva Bharathi,
Central Govt. Counsel.

ORDER

The present writ petition has been filed by the petitioner, challenging the Airport Sector HQ Service order No.121/2016 in No.E-38014/2/2016/AS/Adm/IZT-2016 (HC/GD)/-4881 dated 08.06.2016 in so far as Item No.350 is concerned passed by the third respondent and the movement order No. E-38014/CISF/ASG Trivandram/Adm/127/2016/3331 dated 22.8.2016 and consequently, to direct the respondents to post the petitioner in the Home Zone Posting.

2. It is the case of the petitioner that he joined service as Constable in Central Industrial Security Force on 7.8.1988 and later, he was promoted as Head Constable. During his service, he worked at various units viz., Basic Trg. TRC - Barwaha, CISF Unit BCCL-Dhanbad, CISF Unit RSP-Rourkela, CISF Unit CPT-Cochin, Deputation to MEA-New Delhi, Embassy of India-Thimphu (Bhutan), Embassy of India-Berlin (Germany), CISF Unit LPSC-Mahendragiri, CISF Unit SDSC-Sriharikota, CISF Unit RSTPS-Ramagundam and CISF Unit ASG-Trivandrum. While so, the third respondent by the impugned order dated 8.6.2016, passed an Inter Zonal Transfer, transferring the petitioner to ASG Delhi. Hence, the petitioner made a representation dated 10.6.2016 to the respondents 3 and 4 stating that he is not having any due for out of home zone service in the Inter Zonal Transfer-2016 and sought for cancellation of the transfer order. In spite of the request made by the petitioner, the fifth respondent is attempting to issue movement order pursuant to the impugned order of transfer issued by the third respondent. Hence, the present writ petition.

3. Learned counsel appearing for the petitioner submitted that the impugned orders have been passed in gross violation of the guidelines issued in respect of the transfer policy and the petitioner is entitled to Home Zone Posting. Further, the petitioner is not having any due for out of home zone service as per the office clarification issued by the Director General, CISF HQRs, New Delhi, vide letter of even No.313 dated 23.12.2014. Therefore, the respondents ought to

have considered the request made by the petitioner for cancellation of the transfer order. Further, the petitioner has also filed an affidavit before this Court stating that he has to take care of his aged father and mother and therefore, he may be permitted to continue in the present post viz., Home Zone Posting. Further, he undertakes to join in the transferred place at New Delhi with effect from 1.6.2017.

4. Learned Central Government Counsel, by filing a detailed counter submitted that the petitioner is not entitled for Home Zone Posting and he is due for out of home zone posting as per the posting policy and guidelines issued by CISF HQRs, New Delhi. The posting order of the petitioner was issued strictly adhering to the posting policy and the guidelines issued by CISF HQRs, New Delhi from time to time. In accordance with the instructions issued by the third respondent viz., ADG/APS, CISF APS HQRs letter No.7426 dated 11.8.2016, the petitioner was relieved on regular posting to his new place of posting i.e., ASG, Delhi vide Office Movement Order No.3331 dated 22.8.2016. Thus, he prays for the dismissal of the writ petition.

5. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

6. The main grievance of the petitioner is that without considering his representation, the third respondent has passed the impugned orders. Under relevant Rules, it is not mandatory that before passing the Movement Order, the representation of the petitioner has to be considered. Therefore, I do not find any substance in the submission made by the learned counsel appearing for the petitioner. Further, since the respondents have already issued relieving order, now, I am of the opinion, the prayer sought for in this writ petition has become infructuous. Therefore, the writ petition is liable to be dismissed and accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi
To

- 1 The Secretary to Government,
Union of India,
Ministry of Home ,
Affairs, New Delhi.
 - 2 The Director General, Central
Industrial Security Force, CGO Complex
Lodhi Road, New Delhi- 110 003.
 - 3 The Additional Inspector
General/ Airport Sector, Additional Director,
General Airport Sector, Central Industrial
Security Force CGO Complex, Lodhi Road,
New Delhi-110 003
 - 4 The Deputy Inspector General
Airport Sector, Central Industrial Security
Force, Rajaji Bhawan, Besant Nagar Chennai-
600 090.
 - 5 The Commandant,
Airport Security Group CISF Unit, Central
Industrial Security Force, Unit, Trivandrum
- +1cc to Mr.M.MD.Ibrahim Ali, Advocate, S.R.No.67022
+1cc to Mr.N.Sivabharathi, Advocate, S.R.No.66882
- TM(CO)
BB(29/12/2016)

W.P.No.23176 of 2016

सत्यमेव जयते

WEB COPY