

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.30995 of 2016
and
W.M.P.No.26874 of 2016

K.Gunasekaran

... Petitioner

Vs.

1.The Director General,
CRPF, CGO Complex,
Lodhi Road,
New Delhi-110 003.

2.The Inspector General of Police,
Southern Sector CRPF,
Road No.10 C, Jubilee Hills,
Near MLA/MPs Colony,
Gayathri Hills,
Hyderabad-500 033.

3.The Deputy Inspector General of Police,
Group Centre, CRPF,
Avadi, Chennai-600 065.

4.The Commandant,
141 Bn, CRPF,
Bhadrachalam,
Andhra Pradesh.

सत्यमेव जयते ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's application dated 01.08.2016 and to retain him in Group Centre, CRPF Avadi for one more year or post him to any other Group Centres so as to take infertility treatment for his wife on extreme compassionate grounds.

For Petitioner : Mr.R.Meenakshi

For respondents : Mr.V.P.Senguttuvel, Sr. CGSC

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's application dated 01.08.2016 and to retain him in Group Centre, CRPF Avadi for one more year or post him to any other Group Centres so as to take infertility treatment for his wife on extreme compassionate grounds.

2.It is stated that the petitioner joined Central Reserve Police Force (in short CRPF) as Constable, General Duty (GD) on 17.01.2004. After completing his training, he had served at various places in the country. The petitioner got married with one Ambika during the month of September, 2009 and since they have no issues, his wife was taking infertility treatment from 2010; initially, his wife took treatment at Salem; since the petitioner was working far away from his home town Chennai, he could not take proper treatment for his wife for infertility. His nature of duty and distance caused inconvenience for the treatment of his wife. Even after seven years, they have no issues. During the year 2013, by considering his grievance, he was relieved by the 4th respondent, from GC, CRPF, Avadi on 30.07.2013 (AN) by the movement order dated 30.07.2013 and posted at GC, CRPF, Chennai. Thereafter, the petitioner reported at GC, CRPF, Chennai on 02.08.2013 (FN). The petitioner took his wife to the Composite Hospital, Group Centre, CRPF, Avdi, for infertility treatment and she took treatment there for nearly two years; but, they could not get any fruitful result from the said treatment. Thereafter, the petitioner took his wife to Aakash Multi Speciality Hospital, Vadapalani, Chennai and thereafter, his wife conceived. However, after four months, it was found that the fetus was not formed properly, and as per the advise of the Doctors, it was terminated. Now, the petitioner and his wife are continuing the treatment in the same Hospital at Vadaplani. The petitioner made a request to the 2nd respondent to retain him in the same Group Centre and accordingly, the 2nd respondent has also granted extension of one year period till September-2015. Thereafter also, on the extreme compassionate/medical ground, the petitioner was granted extension of one more year. The extension period was also expired on 17.08.2016. The treatment of his wife is at final stage and the petitioner's presence in the Chennai is required. Hence, the petitioner made a representation dated 01.08.2016 to the respondents seeking to retain him in Group Centre, CRPF, Avadi. Since the petitioner's representation was not considered by the respondents, the petitioner has come forward with the present writ petition.

3.The learned counsel for the petitioner, made his submissions, reiterating the averments made in the affidavit.

4.The learned Senior Central Government Standing Counsel for the respondents contended that the petitioner cannot be retained in the same station for more than three years. Thus, he opposed the prayer of the petitioner.

5.Heard both sides and perused the materials available on record.

6.Considering the limited scope of the prayer sought for by the petitioner in this writ petition, without expressing any opinion on the claim made by the petitioner, this Court directs the 1st respondent to consider the representation dated 01.08.2016 given by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

ssv

To

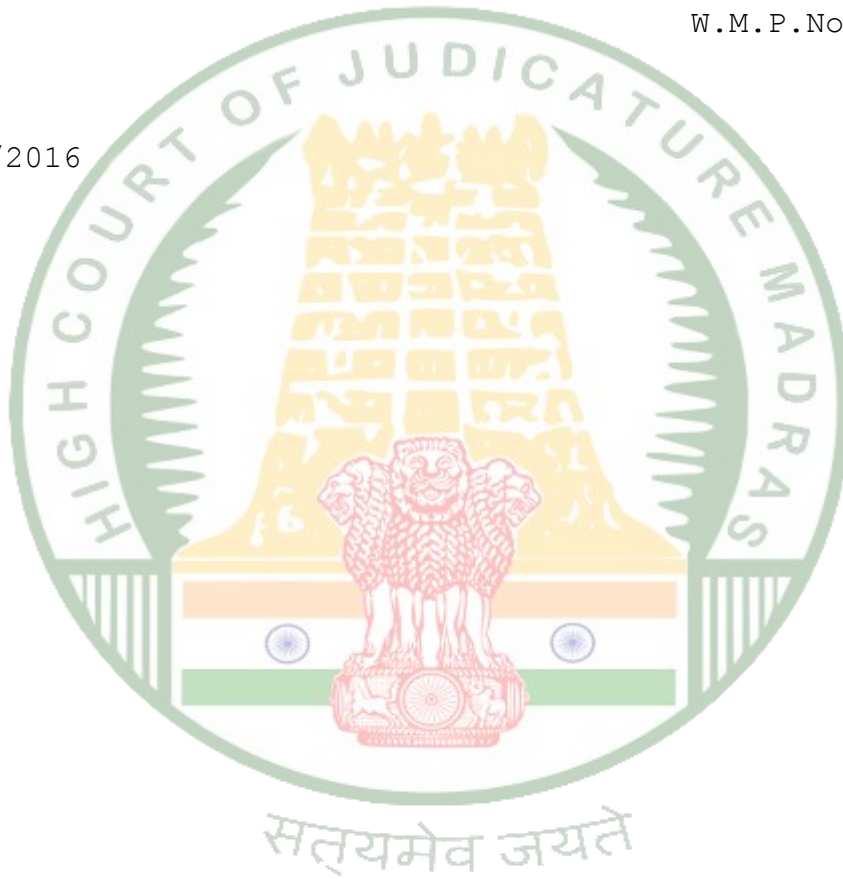
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Andhra Pradesh.

+1cc to M/S. R.Meenakshi, Advocate Sr.51409
+1cc to M/S V.P.Sengottuvel, Advocate Sr.51956

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SAI (CO)
RVR 25/10/2016



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