

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

WRIT PETITION No.31594 OF 2016

Neetha Raj, R.

... Petitioner

vs.

1. The Inspector General of Police (Personnel),
Office of Directorate General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi 110 003.
2. The Deputy Inspector General of Police (Establishment),
Office of Directorate General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi 110 003.
3. The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Avadi, Chennai 600 065.
4. The Deputy Commandant (Administration),
Group Centre, Central Reserve Police Force,
Avadi, Chennai 600 065.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order of the 4th respondent dated 01.09.2016 and quash the same and forbear the respondents from transferring the petitioner from the present station, namely, Group Centre, Avadi pending IVF medical treatment being taken at Chennai.

For Petitioner : Mr.J.Lakshmi Narayanan

For Respondents: Mr.B.Ramaratnam,
Central Govt. Standing Counsel

O R D E R

Seeking to quash the impugned order dated 01.09.2016 passed by the 4th respondent and to forbear the respondents from transferring her from the present station, viz. Group Centre, Avadi, pending IVF medical treatment being taken at Chennai, the petitioner has come up with the present Writ Petition.

2. According to the petitioner, she joined the Central Reserve Police Force as Constable (GD) on 01.04.1995 and after completion of her training, she served in various parts of the Country. Her husband, who was working as a Constable in the Central Industrial Security Force at Liquid Propulsion Systems Centre, Valiamala, Thiruvananthapuram was transferred to GAIL, Gandhar, Gujarat State. Since she had no issues from her wedlock and that both the petitioner and her husband were posted at different places, she availed leave for 60 days from 29.01.2015 to 29.03.2015 to undergo IVF treatment. But, she extended her leave upto 28.05.2015.

3. It is the grievance of the petitioner that though she applied for extension of leave to continue her treatment and made repeated representations along with requisite medical documents, her request was not considered. However, she was issued with a charge memo dated 19.02.2016 for overstay of leave. The said disciplinary proceedings culminated in the punishment of 'Stoppage of one increment for one year without cumulative effect' on 30.06.2016.

4. To continue IVF treatment, the petitioner's husband submitted an application for voluntary retirement and he was relieved from service on voluntary retirement grounds on 01.08.2016. Since the petitioner was denied leave for availing IVF treatment, she submitted an application for voluntary retirement on 20.04.2016, but the 3rd respondent rejected the same on 02.05.2016 on the ground that departmental enquiry is pending against her. While so, being aggrieved by the impugned order dated 01.09.2016 passed by the 4th respondent, directing her to move from the present Station and work at Battalion for performance of operational duties, the petitioner, having no other alternative, is before this Court.

5. Heard the learned counsel for the petitioner and the learned Central Government Standing Counsel appearing for the respondents.

6. Learned counsel for the petitioner submitted that the petitioner's representation for Voluntary Retirement was rejected on the ground that departmental enquiry is pending against her and that she is prepared to give a fresh

representation seeking Voluntary Retirement. He further submitted that the petitioner's grievance would be redressed if a direction is given to the respondents to consider her fresh representation within a stipulated period.

7. Considering the facts and circumstances of the case and taking note of the above submissions, this Court directs the petitioner to give a detailed fresh representation to the respondents along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation from the petitioner, the respondents concerned are directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of six weeks.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.27428 of 2016 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1. The Inspector General of Police (Personnel),
Office of Directorate General,
Central Reserve Police Force,
Block No.1, CGO Complex,
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New Delhi 110 003.
2. The Deputy Inspector General of Police (Establishment),
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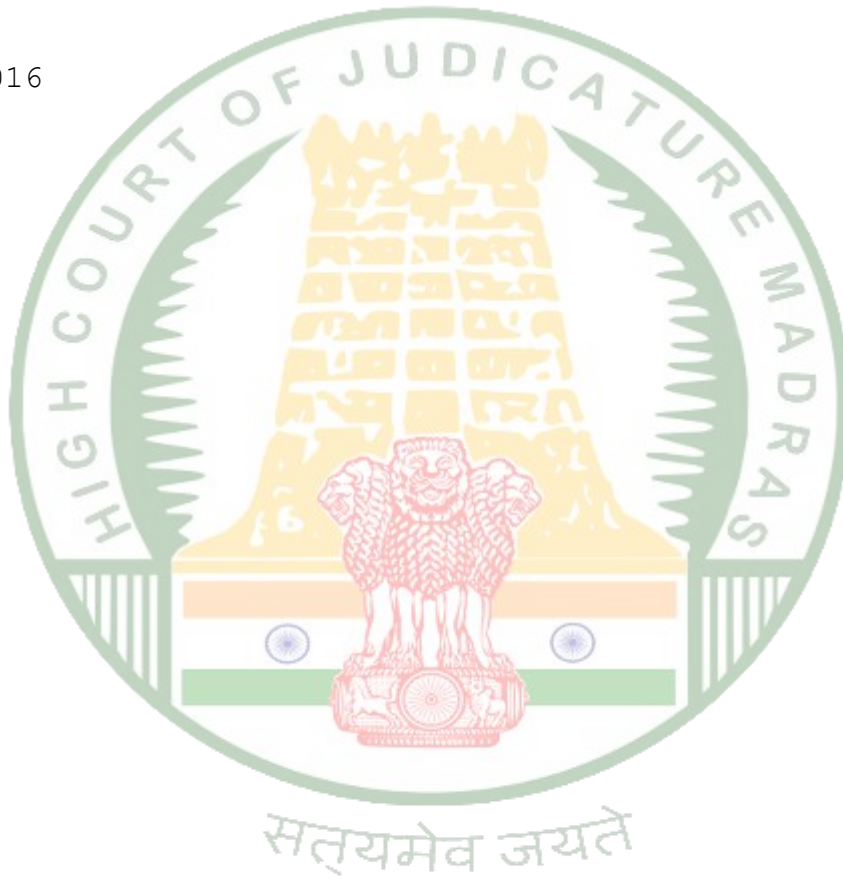
4. The Deputy Commandant (Administration),
Group Centre, Central Reserve Police Force,
Avadi,
Chennai 600 065.

+1 cc to Mr.J.Lakshmi Narayanan Advocate sr 62789

+1 cc to Mr.B. Ramaratnam, Advocate Sr.No.63173 (17/11/2016)

W.P.No.31594 of 2016

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