

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.9705 of 2016

ORDER:

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This writ petition filed under Article 226 of the Constitution of India challenges the transfer order vide proceedings No.T.IX-33/2016-Estt dated 17.2.2016 passed by the 2nd respondent, transferring the petitioner from GC Ranga Reddy to 212 Batallion.

2. Heard Sri Narinderpal Singh, learned counsel for the petitioner and Sri B.Narayana Reddy, Assistant Solicitor General, appearing for respondents, apart from perusing the material available on record.

3. According to the petitioner, he submitted a representation, requesting for his retention at GC Ranga Reddy on the ground that he is taking infertility treatment at Hyderabad and the Deputy Inspector General of Police, Group Center, CRPF, Ranga Reddy vide letter dated 4.1.2016 forwarded the said representation along with medical documents enclosed. The grievance of the petitioner is that without considering the said representation, the impugned transfer order came to be issued.

4. According to the learned counsel for the petitioner, the Directorate General C.R.P.F., New Delhi issued Standing Order No.7 of 2015 dated 4.8.2015 with regard to transfers of Non-Gazetted (Executive)/Technical/ Tradesmen) Force Personnel including Mahila Personnel. It submitted by the learned counsel for the petitioner that the respondents herein did not consider Clause 4(xvi) of the said Standing Order, which reads as under:

“However, the eligibility conditions as laid down above may be relaxed by one year in very deserving cases by Sector IGP in the following circumstances:

- (a) Sudden death of spouse or child.
- (b) Transfer on medical grounds may be considered on merit in case one's spouse or child suffering from any of the following disease.

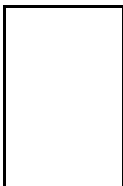
- (i) Cancer.
- (ii) Paralytic Stroke
- (iii) Renal failure.
- (iv) Coronary artery disease. Thalassaemia.
- (v) Parkinson's disease.
- (vi) Motor-neuron disease.
- (vii) Infertility
- (viii) Any other critical/serious disease if recommended by the board of medical officers/composite hospitals.

5. While referring to the above said clause, it is submitted by the learned counsel for the petitioner that infertility is one of the circumstances, under which relaxation for one year can be given and the respondents did not consider the same.

6. Having regard to the facts and circumstances of the case, this Court is of the considered opinion that ends of justice would be met if the 1st respondent is directed to consider the representation of the petitioner as forwarded by the Deputy Inspector General of Police, Group Center, CRPF, Ranga Reddy vide letter dated 4.1.2016 and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of this order. Till the said orders are passed, status quo as on today shall be maintained by the parties. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 1.4.2016
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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