

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

MONDAY, THE EIGHTH DAY OF FEBRUARY TWO
THOUSAND AND SIXTEEN

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.3954 of 2016

Between:

PRomod K.K., S/o. K.M. Kumaran,
Aged about 36 years, Constable,
CISF No.014501047,
CISF Unit, B.D.L. Bhanur,
Post Bhanur, Medak District,
Telangana State.

.. Petitioner

AND

The Central Industrial Security Force,
CISF Head Quarters, Block No.13,
C.G.O. Complex,
Lodhi Road, New Delhi – 3,
Rep. by its Director General & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:
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The petitioner is working as a Constable in the Central Industrial Security Force (for short, 'CISF'). The service conditions of the CISF mandate the employee to work anywhere in the country. The facts as narrated by the petitioner disclose that the petitioner was earlier posted in Ramagundam. However, the same was modified and by proceedings, dated 10.12.2012, the petitioner is working in CISF Unit, BDL, Bhanur in Medak District. By the orders impugned, the petitioner has to be relieved from the present place of posting and directed to report at CISF Unit, Chennai Port Trust in Chennai. The petitioner challenges the order of relieving him from transfer.

2. Learned counsel for the petitioner submits that the petitioner is suffering with '*Allergic Rhynosinusitis reactive airway disorder*' and has undergone surgery for '*septoplasty with turbinoplasty*' in the year 2009 and undergone treatment from 09.07.2010 to 17.07.2011. Learned counsel for the petitioner submits that though the petitioner is liable to be transferred and is willing to transfer, but still posting him to Chennai Port Trust may affect his health as Chennai Port Trust is highly polluted area. Admittedly, the petitioner is in transferable post and has completed three years of tenure in the present place of post and

he is liable for transfer as per the transfer policy. The only grievance as stated by the learned counsel for the petitioner is with reference to the apprehension of the petitioner though his posting in Chennai Port Trust Unit would affect his health as highly polluted area. This is a question of fact, which this Court cannot go into. If the petitioner has a genuine grievance and apprehension affecting his health on account of the earlier experience and the treatment he has undergone, it is always open to the petitioner to make a representation to the competent authority and it is for the competent authority to consider and take appropriate action, as warranted by law, in the interest of the organization and in the interest of the employee. Thus, no direction, as sought for, can be given.

3. Learned counsel for the petitioner further submits that though the order was issued on 04.01.2016, the Movement Order is dated 04.02.2016 and the petitioner was asked to be relieved on the same day and the order was actually served on him at 19.00 hours. Thus, the petitioner was hardly given any time and the order mandates compliance of certain requirements and the petitioner could not have complied with those requirements within a short period and requests some more time.

4. Having regard to the fact that the Movement Order, dated 04.02.2016, was served on the petitioner on the same day at 7.00 P.M., the local Unit Officer is directed to grant him three (3) days time to get himself relieved and to move to a new place of posting and it is also open to the petitioner to submit appropriate representation to the competent authority requesting for suitable posting by referring to his health condition and as and when such a representation is made, the same shall be considered and appropriate decision be taken within a period of

three (3) weeks from the date of such representation.

5. With the above observations, 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.

P.NAVEEN RAO, J

Date: 8th February, 2016

Note: Issue C.C. tomorrow.

(B/o.)
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HON’BLE SRI JUSTICE P.NAVEEN RAO

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