

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2017

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1089 of 2017
and
C.M.P.No.15217 of 2017

T.Subramani

... Appellant/
Writ Petitioner

... Vs ...

1. The Director 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 Commandant,
105 RAF, Mahalingapuram,
Vellalore-Post, Coimbatore,
Pin - 641 111.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act, against the final order passed in W.P.No.12938 of 2017, dated 07.08.2017.
WP.NO.12938/17:

Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent in No.T-IX- 16/2017-Estt-DA-5 dated 11.05.2017 and quash the same in so far as the

petitioner is concerned and direct the respondents to rehabilitate the petitioner by providing lighter duty at Group Centre Bangalore so as to enable him to avail medical treatment as enumerated in the Central Reserve Police force standing order No. 04/2011 dated 27.07.2011

For Appellant : Mr.P.Mohanraj

For Respondents: Mr.V.P.Sengottuvel

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

Mr.V.P.Sengottuvel, learned counsel takes notice for the respondents.

2. The case of the appellant is that he joined the Central Reserve Police Force as Constable (GD) on 05.03.1992 and was promoted as Head Constable (HC/GD) on 31.01.2011. When he was serving in the 063 Battalion, stationed at Faizabad (UP), he suffered from renal failure and the same was diagnosed on 06.06.2012. Thereafter, on 07.12.2012, he was posted at 105 Rapid Action Force and stationed at Coimbatore. The Inspector General/Director (Medical), Hyderabad, accorded permission on 20.02.2013 to avail treatment for Chronic Kidney Disease in K.G.Hospital, Coimbatore, which is a recognized hospital. Since then he was taking treatment and underwent Hemodialysis. The appellant was asked to perform light duties since then and accordingly, he is performing the same without any blemish whatsoever till date. While so, the request of the appellant/writ petitioner seeking retention in the 105 RAF at Coimbatore, was rejected by the second respondent vide proceedings dated 11.05.2017. As against the said order, the writ petition was filed. After elaborate discussion and position of law on the issue, the learned Single Judge, dismissed the writ petition. Hence, the present appeal.

3. It appears that the appellant is now transferred to Chhattisgarh. On a perusal of the materials placed on record, including the medical records, we find that the appellant is seriously affected by the renal failure, and is also undergoing treatment in K.G.Hospital, Coimbatore.

Considering the aforesaid facts and circumstances, we are of the view that for another period of six months to 8 months, the appellant shall be retained in the present place, so as to enable him to continue his medical treatment. However, the appellant is directed to report to the new place on or before 01.04.2018.

The Writ Appeal is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Director 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,
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3. The Commandant,
105 RAF, Mahalingapuram,
Vellalore-Post, Coimbatore,
Pin - 641 111.

+1cc to Mr.VP.Sengotuvel, Advocate sr.64644

+1cc to Mr.J.Lakshmi Narayanan, Advocate sr.64781

W.A.No.1089 of 2017

sks(co)

ss(12/10/2017)