

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 6.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1118 of 2017 against WP.14145/2016
and
C.M.P.Nos.15588 and 15589 of 2017

R.Rajkumar

Appellant

Versus

- 1 The Director General
CRPF CGO Complex Lodhi Road
New Delhi-110 003.
- 2 The Inspector General of Police
Southern Sector CRPF
Road No.10C Jubilee Hills
Near MLA/MPs Colony
Gayathri Hills Hyderabad-500 33.
- 3 The Dy. Inspector General of Police
Group Centre CRPF Avadi
Chennai-600 054.
- 4 The Commandant
188 Bn CRPF Kondagaon
Chattishgarh.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 7.8.2017 passed in W.P.No.14145 of 2016 on the file of this court.

WP.No.14145 of 2016: This Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus Calling for the records pertaining to the transfer order dated 06.01.2016 issued by the 1st respondent in proceeding No.T.IX.33/2016.Estt and consequential order of 2nd respondent dated 09.02.2016 in proceedings No.T.IX.25/2016-SS-Adm-II and 29.03.2016 in proceedings No.T.IX.25/2015.SS.ADM.2 and order of 3rd respondent dated 01.04.2016 in proceeding No.T.IX.2/2016.EC.I and quash the same in so far as the petitioner is concerned and forbear the respondents from

transferring the petitioner from Group Centre CRPF Avadi Chennai to 188 Battalion CRPF Chattishgarh and retain him in GC CRPF Avadi or in other establishments of CRPF at Chennai

For appellant : Ms.R.Meenakshi

For respondents : Mr.T.L.Thirumalaisamy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. Though the appellant/writ petitioner filed the writ petition challenging the transfer order, which was dismissed by the learned Single Judge, now seeks indulgence of this court placing an alternative remedy of quitting on medical invalidation.

3. No doubt, the learned Single Judge has rejected the claim of the appellant/writ petitioner on the basis that transfers on administrative reasons cannot be interfered by the court. But, on going through the factual aspects, we find that the appellant had joined the CRPF as Constable on 15.2.2003 and while he was serving in Kashmir, he was injured during the attack of terrorists and thereupon, he was transferred to Avadi, Chennai and it appears that still he has not fully recovered and on that ground he sought for retention in the same Station.

4. It appears that the index finger of the appellant/writ petitioner has become defunct. As such, he seeks indulgence of this court to permit him to go for medical invalidation. The learned Single Judge dismissed the writ petition filed by him on the ground that he has been serving in the present Station for more than five years and therefore, he cannot be continued to be retained in Chennai.

5. In the facts and circumstances of the case and as intended by the appellant/writ petitioner, we are of the view that the appellant/writ petitioner can be subjected to examination by the Medical Board to find out whether he is eligible for medical invalidation and on receiving report in that regard, it is for the authority to take a decision either

to allow him to go for medical invalidation or retain him in which event, he will have to join the Station where he is sought to be transferred now. Considering the fact that it would take some time for completing that process, we direct that such a process shall be completed within a period of four months from the date of receipt of a copy of this judgment and till such a process is completed, no coercive step shall be taken against him. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk.

To:

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+1 cc to Mr.T.L.Thirumalaisamy Advocate sr 78205
+1 cc to Mr.R.Meenakshi Advocate sr 78210

W.A.No.1118 of 2017

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