

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2017

CORAM

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

Writ Appeal No.1121 of 2017

A.Venkatesan .. Appellant/Petitioner

Vs.

1. 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.
2. The Inspector General of Police  
Central Sector  
Central Reserve Police Force  
TC-32/V, Vibhuti Khand  
Gomti Nagar, Lucknow  
Uttar Pradesh 226 010.
3. The Deputy Inspector General of Police  
Recruit Training Centre  
Group Centre Campus  
Central Reserve Police Force  
Avadi  
Chennai 600 065.

.. Respondents/Respondents

Prayer:Appeal under Clause 15 of the Letters Patent filed against the final order dated 07.8.2017 in W.P.No.817 of 2017.

Prayer in WP.817 of 2017:Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the Respondents to rehabilitate the Petitioner by providing lighter duty in the present station namely Recruit Training Centre (RTC), Avadi, Chennai so as to enable him to avail medical treatment as enumerated in the Central Reserve Police Force Standing Order No.7/99 dated 6.5.1999.

For Appellant : Mr.J.Lakshmi Narayanan

For Respondents : Mr.K.Venkatasamy Babu  
Spl. Govt. Pleader

J U D G M E N T  
(Delivered by Huluvadi G.Ramesh,J)

The writ appeal is directed against the order dated 07.8.2017 in W.P.No.817 of 2017.

2. The appellant joined the services of the respondent Force in 1991 and he has completed 25 years of service, in which, he has served in hard areas for a period of 19 years, including Jammu & Kashmir and North East Region. During August 2012, he has been transferred to Avadi. According to him, he underwent spinal surgery in November 2016 and was advised to take medical rest for six weeks. In the meantime, the appellant was transferred to Kupwara District, Jammu & Kashmir. Therefore, the appellant filed a writ petition for a direction to rehabilitate him by providing lighter duty in the present place. Though an interim order was granted at the time of admission of the writ petition, finally, the writ petition was dismissed. Hence, the above writ appeal.

3. Admittedly, transfer of an employee is not only an incident, but also a part of the service conditions and such order of transfer is not required to be interfered with lightly by a court of law in exercise of its discretionary jurisdiction unless the court finds that either the order is mala fide or that the service rules prohibit such transfer or that the authorities, who issued the order, had not the competence to pass the order. Further, it is entirely upon the competent authority to decide when, where and at what point of time a public servant is to be transferred from his present posting.

4. In the light of the above and in view of the fact that the appellant is in Avadi since August 2012 and though he was transferred in 2016, under the guise of interim order obtained by him in the writ petition, he is still serving in Chennai, namely for more than five years, we are of the considered view that the order of the learned single Judge rejecting the prayer of the appellant not to transfer him from the present place, namely Avadi, does not require any interference.

5. However, since the learned counsel for the appellant pleaded that the appellant is still undergoing treatment and

therefore, the appellant may be shown some indulgence, we grant liberty to the appellant to make a representation to the respondents expressing his difficulties to serve in the transferred place and it is for the respondents to consider such representation in accordance with law. If the representation of the appellant is not considered favourably, the appellant shall join at the transferred place on or before 1st December 2017.

The writ appeal is disposed of accordingly. There shall be no order as to costs. Consequently, CMP No.15645 of 2017 is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Inspector General of Police (Establishment)  
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3. The Deputy Inspector General of Police  
Recruit Training Centre  
Group Centre Campus  
Central Reserve Police Force  
Avadi  
Chennai-600 065.

+1cc to Mr.J.Lakshminarayanan, Advocate SR.No.71130  
+1cc to Mr.K.Venkataswamy Babu, Special Government Pleader,  
SR.No.71042

W.A.No.1121 of 2017.

MR(CO)  
GN(02/11/2017)