

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.1122 of 2017

S.Sreekanth .. Appellant/Petitioner
Vs.

1. The Inspector General of Police
Southern Sector
Central Reserve Police Force
Road No.10C, Jubilee Hills
Gayathri Hills, Hyderabad 500 033.
2. The Deputy Inspector General of Police
Group Centre
Central Reserve Police Force
Avadi, Chennai 600 065. ... Respondents/Respondents

Prayer: Appeal under Clause 15 of the Letters Patent filed against the order dated 07.8.2017 in W.P.No.36145 of 2016.

Prayer in WP.36145 of 2016:Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to forbearing the respondents from transferring the petitioner from the present station namely Group Centre Avadi pending medical treatment for his ailment of Diabetes Mellitus Diabetic Retinopathy and Varicocele being taken at Chennai and further direct the respondents to rehabilitate the petitioner by providing him lighter duty as enlisted in the Central Reserve Police Force Standing Order No.7/99 dated 6.5.1999.

For Appellant : Mr.J.Lakshmi Narayanan
For Respondents : Mr.N.Rajan, SCGSC

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.36145 of 2016.

2. The appellant joined the services of the respondent Force in 1997. According to him, he is suffering from Diabetes,

due to which he is undergoing medical treatment in Chennai. During November 2015, he was transferred to Badhrachalam, Telangana. Hence, the appellant made a representation to the first respondent to retain him at Avadi itself and thereafter, filed a writ petition to forbear the respondents from transferring him from Avadi. Though an interim order of status quo was granted at the time of admission of the writ petition, the writ petition was dismissed leading to the filing of the 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 January 2011 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 six 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.15647 of 2017 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Police
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Central Reserve Police Force
Road No.10C, Jubilee Hills
Gayathri Hills
Hyderabad 500 033.
2. The Deputy Inspector General of Police
Group Centre
Central Reserve Police Force
Avadi
Chennai 600 065.

W.A.No.1122 of 2017.

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



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