

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 4.10.2017

CORAM

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

W.A.No.1144 of 2017
and
C.M.P.No.15958 of 2017

C.Simion Appellant/Petitioner
Versus

- 1.The Inspector General of Police
Southern Sector
Central Reserve Police Force
Road No.10C Jubilee Hills
Gayathri Hills Hyderabad-500033.
- 2.The Deputy Inspector General of Police
Group Centre Central Reserve Police Force
Avadi Chennai-600 065. Respondents/Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 7.8.2017 passed in W.P.No.38126 of 2015 on the file of this court.

W.P.No.38126 of 2015 : Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the Respondents from posting the Petitioner to combatant duty and further direct the respondents to provide lighter duties to him as directed by this Honourable Court in W.P.Nos.24093 of 2011 & 26614 of 2011 dated 13.11.2013.

For Appellant : Mr.J.Lakshmi Narayanan

For Respondent : Mr.V.Balasubramanian

JUDGMENT

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

Heard the learned counsel appearing for the appellant and Mr.V.Balasubramanian, learned counsel, who takes notice on behalf of the respondents.

2. The writ appeal is filed challenging the order passed by the learned Single Judge declining to grant the relief sought for by the appellant. It appears that the appellant is serving in Central Reserve Police Force and while discharging his duty,

on 1.10.2004, he sustained injuries in his left forearm and in both thighs and on that ground, he was discharged from service during September 2011. Thereafter, he was reinstated based on the order passed by this court in W.P.Nos.24093 and 26614 of 2011 and it appears that he was provided with alternative lighter duty with effect from 22.1.2014. Subsequently, it appears that he was sought to be transferred to Chattisgarh during November 2015 which was challenged in the present writ petition. On the strength of the interim order passed by this court in the said writ petition, it appears that he continued in the present Station itself. But, subsequently, the main writ petition was dismissed by the learned Single Judge and hence, the present writ appeal has been filed.

3. The stand taken by the counsel for the appellant is that the appellant is still undergoing treatment and hence, the order of transfer needs indulgence of this court.

4. Be that as it may, the order challenged by the appellant/writ petitioner is the outcome of routine administration and no mala fide could be attributed to the same. Moreover, as of now, the appellant has completed more than three years in the present Station on the strength of the interim order passed by this court. Therefore, this court is not inclined to interfere with the order of transfer passed by the respondents. However, to remedy the situation, this court is of the view that the appellant could be granted some time to join in the transferred place. Accordingly, the appellant is directed to join in the transferred place on or before 1st December 2017 and in which event, he shall be provided with some alternative work considering his health condition. In the meanwhile, it is for the appellant to submit a representation to the authorities to re-consider his retainment in the present Station on medical grounds. On receipt of such a representation, he shall be subjected to Medical Examination and appropriate decision shall be taken by the authorities on the basis of the medical report. The present order will not stand in the way of the authorities, if they are desirous of retaining the appellant in the present Station itself, considering the case of the appellant sympathetically.

5. At this juncture, the learned counsel for the appellant would submit that the appellant/writ petitioner has not been paid salary for this month. If that be the case, the arrears of salary shall be paid to the appellant. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk

To:

1.The Inspector General of Police
Southern Sector
Central Reserve Police Force
Road No.10C Jubilee Hills
Gayathri Hills Hyderabad-500033.

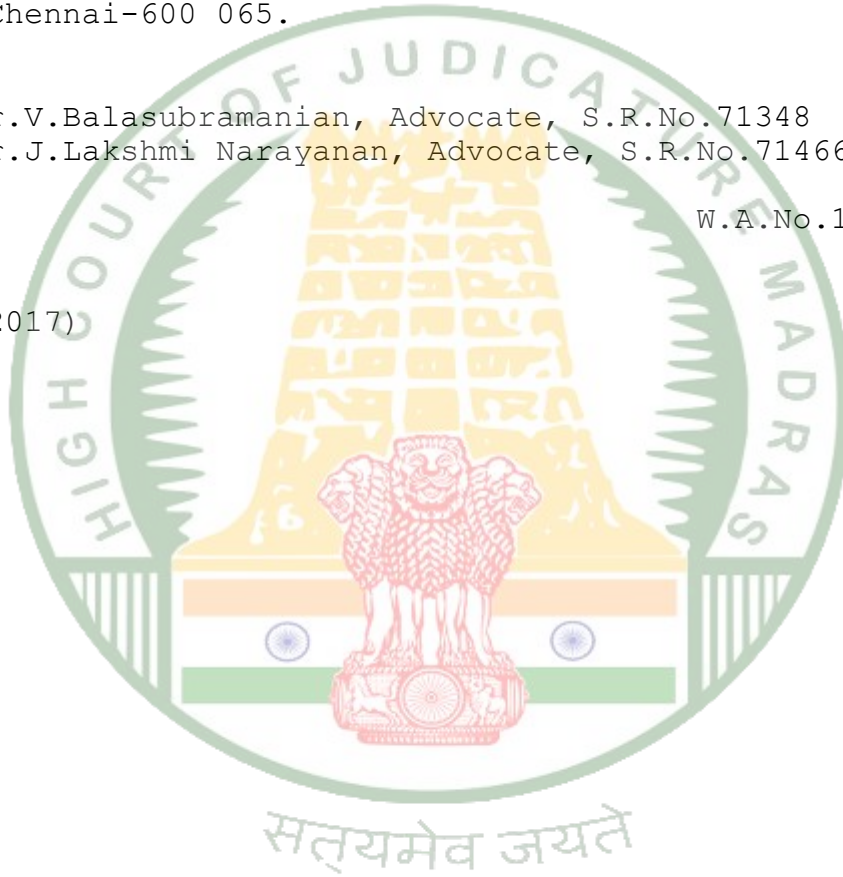
2.The Deputy Inspector General of Police
Group Centre Central Reserve Police Force
Avadi Chennai-600 065.

+1cc to Mr.V.Balasubramanian, Advocate, S.R.No.71348

+1cc to Mr.J.Lakshmi Narayanan, Advocate, S.R.No.71466

W.A.No.1144 of 2017

CP(CO)
CA(11/10/2017)



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