

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.03.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.7257 of 2017 &
W.M.P.Nos.7889 & 7890 of 2017

D.V.V.Mohan, CISE No.994610094
Quarter No.35-A, Sector 3,
Ukku Nagaram,
VSP, Visakapattinam.

.. Petitioner

-vs-

1. The Union of India,
Rep. By its Secretary to Government,
Ministry of Home Affairs,
New Delhi.
2. The Director General,
Central Industrial Security Force,
No.13, CGO Complex,
Lodhi Road, New Delhi-110 003.
3. The Deputy Inspector General
Central Industrial Security Force,
Rajaji Bhawan, Besant Nagar,
Chennai-600 090.
4. The Senior Commandant,
Central Industrial Security Force,
VSP Unit, Visakapattinam.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records relating to the order passed by the third respondent dated 16.03.2017 in POSTING ORDER NO.12/2017 in his letter No.E-38020/NTPC(K)/E-2/SZ/2017/3219 and quash the same insofar as the item No.87 is concerned and to direct the respondents to retain the petitioner at VSP VISAKAPATTINAM under the 4th respondent till the end of academic year i.e. April 2018.

For Petitioner : Mr.M.MD.Ibrahim Ali

For Respondents : Mrs.S.Meenakumari, C.G.S.C.

O R D E R

The petitioner being CISF personnel working in CISF Unit Visakapattinam from 16.05.2013 on regular posting from CISF Unit ISAC Bangalore. He has been issued with the group transfer of posting order dated 16.03.2017 transferring 98 personnel from one place to another place. The petitioner's name has been shown at Sl.No.87 and ordered to transfer from VSP Visakapattinam to NTPC, Kudgi with a direction to the fourth respondent to relieve the petitioner to report by 25.03.2017. Since the transfer order was mentioned that the personnel who is away on leave /temporary duty, etc., may be recalled and relieved on induction posting to NTPC Kudgi and no representation will be entertained either for deferment or cancellation.

2.The petitioner has come to this Court taking a ground that his daughter is presently studying at 9th Standard in the Narayana Concept School, Visakapattinam and he is entitled to extension in the present unit for one year as per the Transfer Policy followed by the respondent drawing the notice of this Court in Circular No.53/2011 dated 20.12.2011, issued by the Directorate General, Central Industrial Security Force (Ministry of Home Affairs), Lodhi Road, New Delhi-110 003, No.E-38011/1/2011/Estt.II/5752 would submit that as per Clause 12 (viii) in the above circular, if the wards are studying in 10th and 12th in the current academic year, the concern CISF personnel may be consider for retention in the present place in the event of getting transfer order for a period of one year. On this basis, he prayed for a direction to the respondent no tto given effect to the transfer order for a period of one year.

3.Per contra, the learned Central Government Standing Counsel appearing for the respondent would submit that the prayer of the petitioner is highly untenable for the reason that clause 12 (viii) is not in favour of the petitioner for the reason that only in case where the ward is studying in 10th and 12th standard in the current academic year the father or mother of the ward can be retained for a period of one year in the same unit. But in the present case, the petitioner's daughter viz., Kusuma Kumari is studying only in 9th standard. Therefore, the transfer policy cannot be applied to the present case. However, learned counsel for the petitioner would submit that his daughter has completed her 9th standard. Generaly for 10th class, no school entertain any admission. Hence, he made a request. Therefore, in peculiar circumstances, his request may be considered.

4.Taking note of the fact that the petitioner's daughter Kusuma Kumari is going to 10th standard, the third respondent

herein is directed to consider the petitioner's representation. Learned counsel for the respondent submitted that till date no movement order has been issued and therefore, the third respondent is hereby directed to consider the same within a period of one week from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
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Ministry of Home Affairs,
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Chennai-600 090.
4. The Senior Commandant,
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VSP Unit, Visakapattinam.

+1cc to Mr. MMD. Ibrahim Ali, Advocate Sr. 18931

+1cc to M/S. S. Meena Kumari, Advocate Sr. 18884

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RSY(CO)
VR(8/5/2017)