

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.30412 of 2017
and
W.M.P.Nos.33166 & 33167 of 2017

C.Vijaya

Petitioner

Vs

1.The Director General,
CRPF, CGO General,
Lodhi Road,
New Delhi 110 003.

2.The Director [Medical],
Directorate General,
CGHS Dispensary,
Sector-4, Pushvihar, M.B.Road,
New Delhi.

3.The Dy. Inspector General of Police,
Group Centre, CRPF, Avadi,
Chennai-65.

4.The Dy. Inspector General of Police [Medical],
Composite Hospital,
GC, CRPF, Avadi,
Chennai-65.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the transfer order dated 11.05.2016 issued by the 2nd respondent in proceeding No.T.IX-01/2016-DA-3 and consequential order

of 4th respondent dated 17.11.2017 in proceedings No.T.IX-1/2017-CH AVD-EC-1 and quash the same and forbear the respondents from transferring the petitioner from Composite Hospital, Group Centre, CRPF, Avadi, Chennai to Composite Hospital, Delhi and retain the petitioner in the same hospital at Avadi or in other establishments of CRPF at Chennai viz. RTC/97 Battalion.

For Petitioner : Dr.R.Gouri

For Respondents : Mr.K.Srinivasamurthy,
Central Govt. Standing Counsel

ORDER

The present Writ Petition has been filed seeking issuance of Writ of Certiorarified Mandamus to quash the transfer order dated 11.05.2016 issued by the second respondent in proceeding No.T.IX-01/2016-DA-3 and the consequential order dated 17.11.2017 passed by the fourth respondent in proceeding No.T.IX-1/2017-CH AVD-EC-1 and to forbear the respondents from transferring the petitioner from Composite Hospital, Group Centre, CRPF, Avadi, Chennai to Composite Hospital, Delhi and retain the petitioner in the same hospital at Avadi or in other establishments of CRPF at Chennai viz. RTC/97 Battalion.

2.When the Writ Petition is taken up for hearing, Mr.K.Srinivasamurthy, learned Standing Counsel appearing for the respondents placed on record the proceedings dated 29.11.2017 issued by Dr.A.R.Radha, DIG[Med]-CH AVD and submitted that the petitioner has

completed more than 24 years of service and she can proceed on VRS by giving notice of not less than three months. The relevant paragraph is extracted hereunder :

"As per CRPF Rules 1955, sub-rule 43[d][i], any member of the Force who has put in not less than 20 years of qualifying service may, by giving notice of not less than three months in writing to the appointing authority, retire from service voluntarily. Since she has already completed more than 24 years of service, she can proceed on voluntary retirement by giving notice of not less than three months. But wrong information given to Hon'ble Court by petitioner that she requires to serve for two more years in order to qualify to submit application for VRS."

3.Learned counsel appearing for the petitioner would submit that the petitioner has joined service on 05.02.1993 as Constable/Nursing Assistant and that it is not known as to whether the respondents have taken into account the entire service including the probation period. If the petitioner has completed her requisite service of 24 years, she would put in her papers.

4.However, it is left open to the petitioner to work out whether she has acquired the requisite qualification for putting papers for VRS. If the petitioner has completed 24 years of service, it is for the respondents to

accept the VRS which will be presented by the petitioner within a week or two weeks from today. If for any reason, the requisite qualification for VRS was not rendered by the petitioner, she shall be allowed to continue for the remaining requisite period i.e., for a year or two years and thereafter, the petitioner shall present the papers for VRS.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

30.11.2017

Index : Yes/No
Internet : Yes/No
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To

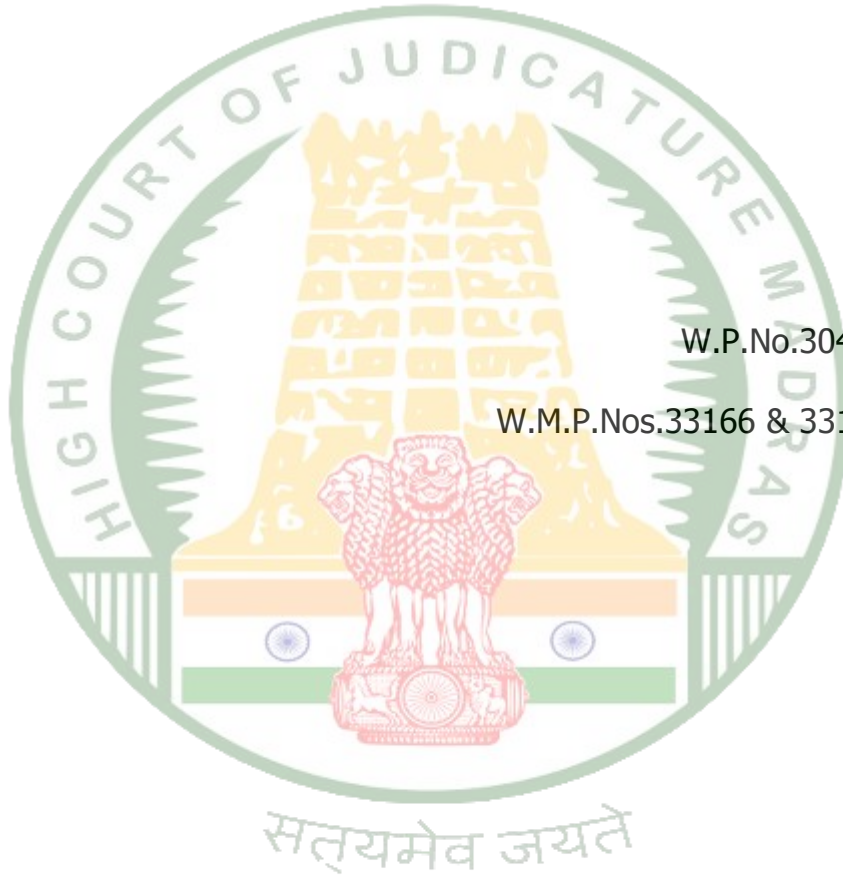
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T.RAJA, J.
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