

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.10753 of 2017
and
W.M.P.No.11691 of 2017

S.Ramasamy

... Petitioner

vs

1. The Director General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi - 110 003.
2. 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.
3. The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Avadi, Chennai - 600 065. Respondents

Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus to direct the respondents to retain the petitioner in the present station, namely, Group Centre, Avadi, Chennai so as to enable him to avail medical treatment for infertility as enumerated in the Central Reserve Police Force Standing Order No.07/15 dated 04.08.2015.

For Petitioner : Mr.P.Mohanraj

For Respondents : Mr.S.Janarthanan, Central
Government Standing Counsel

O R D E R

The petitioner having joined the Central Reserve Police Force as Constable(GD) on 23.11.2005, married one Uma on 08.09.2011 and after serving in several hard areas from the year 2005, has come to Group Centre at Avadi on 14.06.2014. Since he was not having any issue, he was medically advised to

undergo artificial pregnancy procedure called as Intra Uterine Insemination(IUI). By the said procedure, the petitioner and his wife have undergone 8 cycles, out of which during fifth cycle, his wife got conceived and unfortunately it was aborted.

2. After sometime, they again started taking treatment. Now, in the midst of the treatment, namely IVF (In-Vitro Fertilisation), to which, the presence of both the partners are required for at least one more year, the petitioner has been transferred. Referring to clause (VIII) and clause (XVI) of the Standing Order No.7/15 dated 04.08.2015, the learned counsel for the petitioner submitted that the petitioner has sought only one year extension of time. If the petitioner's request is not considered, the petitioner will be put to irreparable loss, since if the petitioner leaves the place of treatment, it will be difficult for him to get back a chance to get a child.

3.Objecting to the above prayer, the learned Central Government Standing Counsel for the respondents submitted that the petitioner has been given special training and after taking special training, he cannot come to this Court seeking for one more year extension in Chennai.

4.This Court hardly finds any justification to reject the request of the petitioner to continue in Chennai for the purpose of getting IVF namely In-Vitro Fertilisation, for which the presence of both the partners are required for at least one more year. Secondly, Clause XVI of the Standing Order dated 04.08.2015 also says that the eligibility conditions as enumerated therein may be relaxed by one year in very deserving cases by Sector IGP in case the petitioner is undergoing any fertility treatment.

5. In view of the above, this writ petition is disposed of with a direction to the respondents to retain the petitioner in the present Group Station, Avadi, Chennai so as to enable him to avail medical treatment. It is made clear that the petitioner, after completion of one year, shall not make any further request. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

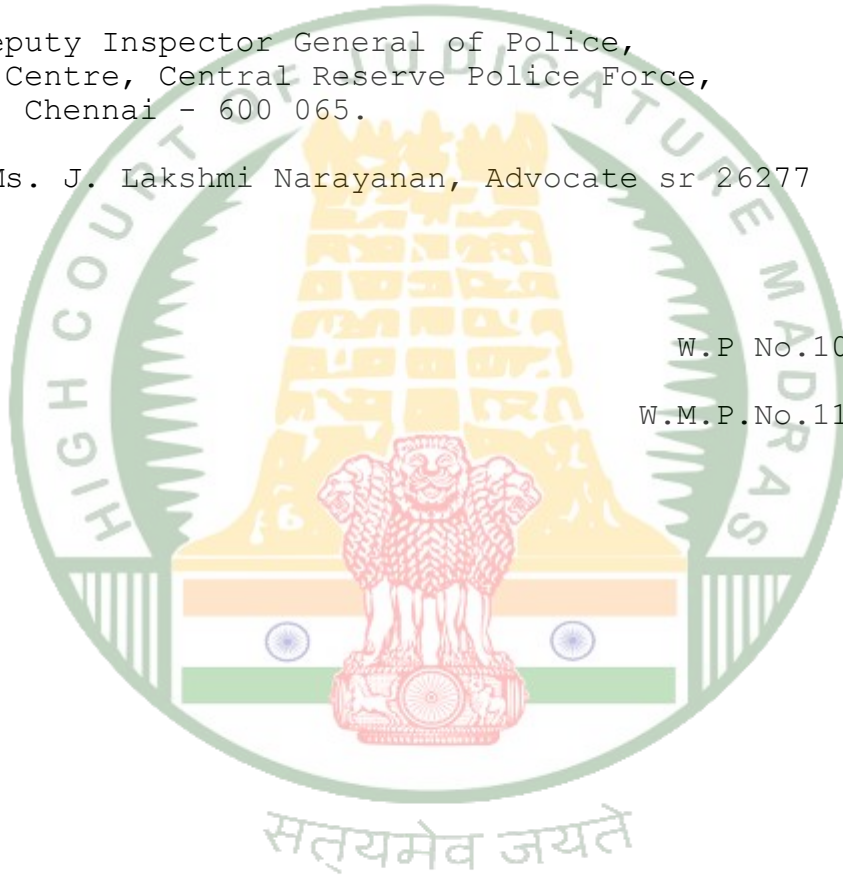
To

1. The Director General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi - 110 003.
2. 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.
3. The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Avadi, Chennai - 600 065.

+1 CC to Ms. J. Lakshmi Narayanan, Advocate sr 26277

W.P No.10753 of 2017
and
W.M.P.No.11691 of 2017

RSY (CO)
sp/8/5



WEB COPY