

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15254 of 2017

S.Sunitha

.. Petitioner

-vs-

1. The Director General
Central Reserve Police Force
Block No.1, CGO Complex
Lodhi Road
New Delhi 110 003
2. The Inspector General of Police (Personnel)
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 (Establishment)
Office of Directorate General
Central Reserve Police Force
Block No.1, CGO Complex
Lodhi Road
New Delhi 110 003
4. The Deputy Inspector General
of Police (Administration)
Office of the Additional Director
General of Police
Central Zone, Central Reserve Police Force
CRPF Bhawan, HC Block
Sector-I, Saltlake, Kolkata
West Bengal 700 106
5. The Deputy Inspector General
of Police / Principal
Recruit Training Centre, Group Centre Campus
Central Reserve Police Force
Avadi, Chennai 600 065

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the fourth respondent in No.T-IX-30/2016-CZ-ADM-1 dated 21.09.2016 insofar as the petitioner is concerned and the consequential orders dated 31.03.2017 issued by the fifth respondent and that of the third respondent in No.T-IX-12/2017-Estt-DA-3 dated 19.05.2017 and quash the same in so far as the petitioner is concerned and direct the respondents to rehabilitate her by providing lighter duty at Group Centre, Avadi, Chennai so as to enable her to avail medical treatment as enumerated in the Central Reserve Police Force Standing Order No.04/2011 dated 27.07.2011 and also to avail Child Care Leave (CCL) for the purpose of her younger daughter's education.

For Petitioner :: Mr.P.Mohanraj

For Respondents:: Mr.K.Srinivasamurthy
Central Government
Standing Counsel

ORDER

This Court is not inclined to entertain the instant writ petition, for the reason that the petitioner is unreasonably approaching this Court repeatedly for no reason. First of all, when the petitioner came to this Court with W.P.No.7233 of 2017 seeking to consider her representation dated 15.3.2017, she sought permission to withdraw the said writ petition and this Court also dismissed the writ petition as withdrawn by order dated 24.3.2017. Subsequently, she filed W.P.No.8631 of 2017 challenging the very same impugned order. However, for the reason that the standing order stood superseded, she again sought permisison to withdraw the writ petition and I have also dismissed the writ petition as withdrawn vide order dated 18.4.2017. Once again she has filed the present writ petition challenging the very same impugned order of transfer. But this Court is able to see that she had already made a representation to the respondents for extension of one year time and that was also granted in her favour. After enjoying the grant of extension, I do not find any justification at all for the petitioner to approach this Court on some hyper-technical ground to thwart the impugned order of transfer. Moreover, when the petitioner complains before this Court that she is having gynaecological problem, the medical certificate produced before this Court does not throw any light whatsoever as to the course of treatment taken by her.

2. The learned counsel for the petitioner also submitted that as per the CCL Rules, the petitioner is still entitled to serve in the present place, on the ground that her daughter is

studying XII standard. But this Court is not inclined to accept the said submission. When the petitioner is living with her family, her husband has to take care. Only a vague averment has been made that he is living in Kanyakumari, but nowhere it is mentioned that he has deserted or abandoned his family. Although the learned counsel for the petitioner brought to the notice of this Court the judgment of the Apex Court in Kakali Ghosh v. Chief Secretary, Andaman & Nicobar Administration & others, CDJ 2014 SC 311 holding that the CCL Rules should be followed, in the present case, as mentioned above, when the petitioner already availed one year extension, she cannot take a ground that she is entitled to stay with her daughters till they complete their studies. Therefore, the writ petition fails and it is dismissed. Consequently, W.M.P.Nos.16543 & 16544 of 2017 are also dismissed. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

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5. The Deputy Inspector General
of Police / Principal
Recruit Training Centre, Group Centre Campus
Central Reserve Police Force
Avadi, Chennai 600 065

+1cc to M/s.J.Lakshminarayanan, Advocate in sr.no.42999

+1cc to M.s.K.Srinivasamurthy, Advocate in sr.no.43028

W.P.No.15254 of 2017

GP(CO)
NR 10/07/2017



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