

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.06.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.16524 of 2017
& W.M.P.No.17886 of 2017

M.Devasahayam

... Petitioner

Vs.

1. 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.
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 / Principal,
Recruit Training Centre, Group Centre,
Central Reserve Police Force,
Avadi, Chennai - 600 065.

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to rehabilitate the petitioner by retaining him at Recruit Training Centre, Group Centre, Avadi, Chennai and provide him medical Treatment, as enumerated in the Central Reserve Police Force Standing Order No.04/2011 dated 27.07.2011.

For Petitioner : Mr.P.Mohanraj

For Respondents : Mr.T.L.Thirumalaisamy
Central Government Standing Counsel

O R D E R

The petitioner, who has suffered paralytic attack due to putamen haemorrhage with left sided hemiplegia and as a result, his entire left side of the body got paralysed. Therefore, he was admitted in Sher-I-Kashmir Institute of Medical Sciences, Srinagar and remained as in-patient till 28.10.2013. On 05.11.2013, the respondents themselves sent him on medical leave with one attendant to Avadi, Chennai to avail specialist medical treatment. While taking treatment, the petitioner sent a representation dated 31.12.2013 requesting the Department to post him either at Group Centre, Avadi or Recruit Training Chennai [RTC], Avadi for continuing his medical treatment. Accepting his request, on 18.02.2014, he was transferred to the Recruit Training Chennai, Avadi.

2. In the meanwhile, after medical examination, on 07.10.2014, he was categorised as Special P-3 (Permanent). While so, before the expiry of the said period, the Review Medical Examination [RME] was conducted on 02.05.2016 and he was categorised as Shape P-2 (Permanent). Again, the petitioner submitted representation dated 17.03.2014 requesting the Department to retain him at Avadi to continue his medical treatment and he was orally informed that his request was rejected. Therefore, apprehending transfer to far off place, the petitioner has come to this Court.

3. Mr.P.Mohanraj, learned counsel appearing for the petitioner submitted that the respondents without taking any decision on the representation of the petitioner dated 17.03.2014, no order of transfer should be passed.

4. Mr.T.L.Thirumalaisamy, learned Central Government Standing Counsel appearing for the respondents submitted that till date there is no order of transfer passed against the petitioner from Avadi to any other place. In any event, after passing appropriate orders on his representation, further decision will be taken by the respondents.

5. Recording the submission made by the learned Central Government Standing Counsel appearing for the respondents, this Court directs the respondents to consider the representation of the petitioner dated 17.03.2014 and pass appropriate orders, on merits and in accordance with law and till then, the respondents are directed to maintain status quo in respect of his employment.

6. With this direction, the Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

sri

To

1. 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.
2. The Deputy Inspector General
of Police [Establishment],
Office of Directorate General,
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3. The Deputy Inspector General / Principal,
Recruit Training Centre, Group Centre,
Central Reserve Police Force,
Avadi, Chennai - 600 065.

+1cc to M/S.T.L.Thirumalaisamy, Advocate Sr. 45215

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VR(11/07/2017)

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