

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.27007 of 2017
and
WMP.Nos.28819 and 28820 of 2017

T.Vijayarajan

.. Petitioner

Vs

1.The Director General of Police,
Directorate General, CRPF,
CGO Complex, Lodhi Road,
New Delhi – 110 003.

2.The Inspector General of Police (Communication),
Directorate General, CRPF,
CGO Complex, Lodhi Road,
New Delhi – 110 003.

3.The Commandant,
2 Signal Bn, CRPF,
Chandrayankutta, Keshagiri Post,
Hyderabad – 500 005.

4.The Officer Commanding,
D/2 Signal Bn, CRPF,
GC Avadi, Chennai – 65.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records pertaining to transfer order dated 26.09.2017 of the third respondent in proceedings No.T.IX.8/17-Estt-1 and consequent movement order dated 11.10.2017 issued by the fourth respondent and quash the same in so far as the petitioner is concerned and forbear the respondents from transferring the petitioner from D/2 Signal Battalion Group Centre, CRPF, Avadi, Chennai, and retain him in Avadi or in other establishments of CRPF at Chennai.

For petitioner : Dr.R.Gouri

For Respondents : Mr.K.Srinivasamurthy, CGSC

ORDER

Challenging the impugned proceedings dated 26.09.2017 of the third respondent / the Commandant, Hyderabad, transferring him from Avadi Battalion, Chennai, to 4 Signal Bn. CRPF, Neemuch, and also consequential movement order dated 11.10.2017 issued by the fourth respondent / the Officer Commanding, Avadi, Chennai, the petitioner has filed this writ petition.

2. Mr.K.Srinivasamurthy, learned CGSC, takes notice for the respondents. With the consent of both parties, the writ petition itself is taken up for final disposal.

3. Learned counsel for the petitioner submitted that the petitioner has joined the services of the respondent department as a Constable on 23.07.1988. During his tenure, he had served in various units/CRPF establishments located at the places like Mizoram, J&K, Sikkim, Bihar, UP, Tripura, Assam, Chattisgarh, Madhya Pradesh and Tamil Nadu. Presently, he is working at Avadi Battalion, Chennai. The only ground raised in this writ petition is that he has got a male child by name Balamurali, who is now aged about 17 years and he is suffering from mental retardation (severe type) with seizure disorder since birth. Whiles, now, he has been transferred to 4 Signal Bn.CRPF, Neemuch. Therefore, it is contended that the child requires the assistance of him to meet his activities of daily living and other purposes for life time, besides, his son has been taking treatment at the Composite Hospital CRPF, Avadi, where all the medical facilities are available to take care of his son.

4. Learned standing counsel for the respondents stated that even at the Neemuch, Madhya Pradesh, where the petitioner has been transferred, all the medical facilities are available to take care of his son. Therefore, he can shift his entire family to the impugned transferred place without any hesitation.

5. At this juncture, learned counsel for the petitioner, by bringing to the notice of this Court to an Office Memorandum dated 06.06.2014 issued by the Under Secretary to Government of India, Ministry of Personnel, Public Grievances and Pensions Department of Personnel and Training, Department New Delhi, submitted that the respondent has come forward to exempt the Government servant, who is a care giver of disabled child to examine from the routine exercise of transfer/rotational transfer subject to the administrative constraints. Therefore, it is submitted that in view of such Office Memorandum, a direction may be issued to the respondents to retain the petitioner at Avadi Battalion, Chennai, so that he can look after his son and continue the treatment.

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6. Therefore, in the light of the above, the respondents are directed to post the petitioner to any battalion of nearby States viz. Kerala, Karnataka or Andhra Pradesh, where there is also hospital facility available to treat his son . It

is needless to state that until the said order of transfer is passed, the petitioner shall be permitted to continue in Avadi Battalion.

7. With the above directions, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

13.10.2017

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Index:yes/no

To

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Directorate General, CRPF,
CGO Complex, Lodhi Road,
New Delhi – 110 003.

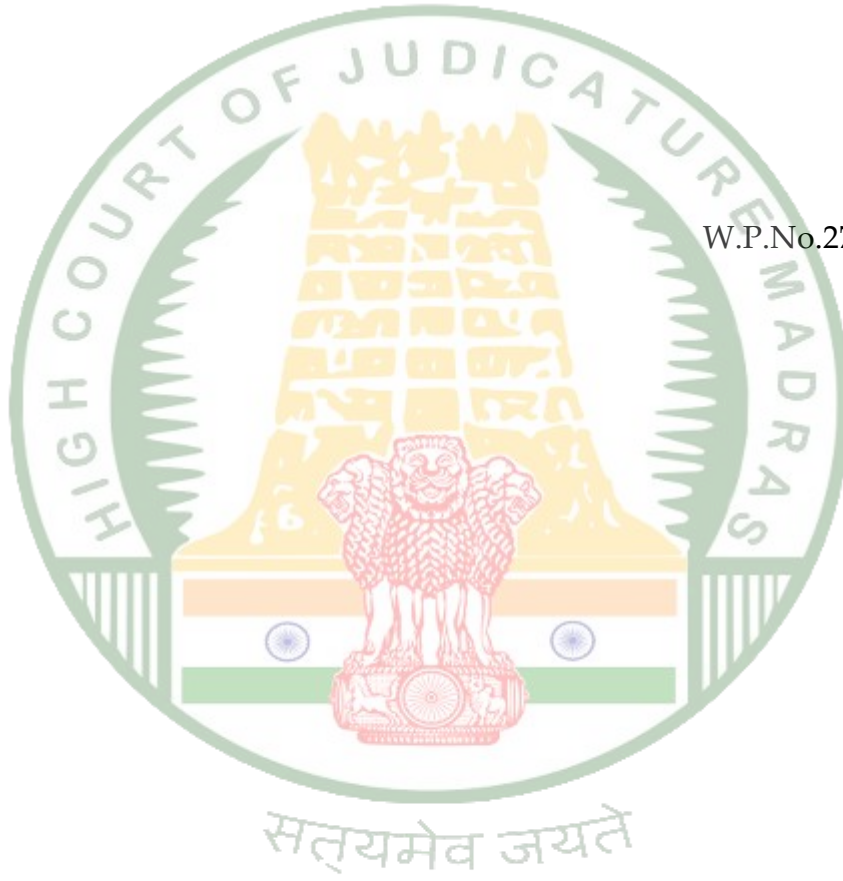
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T.RAJA, J.

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