

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6473 of 2017 & W.M.P. No.6981 of 2017

G. Tamilselvan

Petitioner

vs.

1 The Inspector General of Police (Personnel)
Office of the Director General
Central Reserve Police Force
Block No.1, CGO Complex
Lodhi Road
New Delhi 110 003

2 The Inspector General of Police
Karnataka-Kerala (KK) Sector
Central Reserve Police Force
Group Centre
Doddaballapur Road
Yelahanka
Bangalore 560 064

3 The Commandant
77 Bn Headquarters
Poonamallee
Chennai 600 056

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to rehabilitate the petitioner by providing him lighter duty either at Group Centre, Avadi, Chennai or at Group Centre, Bangalore, so as to enable him to avail medical treatment as enumerated in the Central Reserve Police Force Standing Order No.04/2001 dated 27.07.2011.

For petitioner Mr. P. Mohanraj
For respondents Mr. S. Arockiam
 Central Government Counsel

ORDER

Mr. S. Arockiam, learned Central Government Counsel, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondents to rehabilitate the petitioner by providing him lighter duty either at Group Centre, Avadi, Chennai or at Group Centre, Bangalore, so as to enable him to avail medical treatment as enumerated in the Central Reserve Police Force Standing Order No.04/2001 dated 27.07.2011.

3 According to the petitioner, he joined as Constable (GD) in the Central Reserve Police Force (CRPF) on 30.12.2005; while so, on 09.08.2016, when he was serving in 77 Battalion at Port Blair, Andaman, he had an accidental fall from a height of 12' in the course of discharge of his duties, as a result of which, he sustained multiple injuries including fractures and after getting medical treatment in Andaman, he had come down to Chennai for further treatment and is still under treatment.

4 According to the learned counsel for the petitioner, sometime in 2016, during the roll call in 077 Battalion, the Commandant, the third respondent herein, informed the petitioner orally that he has been transferred to the 144 Battalion station at Srinagar, Jammu and Kashmir; as it is an usual practice in CRPF that an order of transfer will not be served on the personnel and merely on receipt of oral intimation, the personnel should move on to the place of transfer, the petitioner has filed this writ petition on receipt of oral intimation received from the third respondent seeking the relief, as aforestated; since the petitioner has sustained fractures and multiple injuries and has also undergone a surgery in Rajiv Gandhi Government General Hospital, Chennai on 19.09.2016, given his critical health condition, he may not be transferred to Srinagar.

5 As a riposte, the learned Central Government Counsel appearing for the respondents submitted that filing of this writ petition is a premeditated attempt by the petitioner to circumvent any future transfer orders and till date, the respondents have not passed any order transferring the petitioner. However, the learned Central Government Counsel fairly submitted that if the petitioner makes a representation seeking retention in the present station on the ground of his pitiable health condition, the same shall be considered by the respondents

sympathetically.

T. RAJA, J.

cad

Recording the aforesaid submission made by the learned Central Government Counsel, this writ petition is disposed of by directing the petitioner to address a representation to the authority concerned, if so advised, seeking retention, within a period of one week from the date of receipt of a copy of this order and on such representation being made, the authority concerned shall consider the petitioner's case and pass appropriate orders, bearing in mind, his health condition. No costs. Connected W.M.P. is closed.

16.03.2017

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Note to Office: Issue order copy by 17.03.2017

To

- 1 The Inspector General of Police (Personnel)
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