

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.11528 OF 2017

Dated:04.04.2017

Between:

D.A. Raju, S/o. Late Ramulu,
Aged 39 years, Occ: Constable,
963440905 CT/GD, Visakha
Steel Plant, Visakhapatnam,
Visakhapatnam District

.. Petitioner

And

The Union of India, rep., by its
Secretary of Home Affairs,
Ministry of Home, New Delhi and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.11528 of 2017****ORDER:**

Petitioner is a Constable in Central Industrial Security Force. He is now transferred to East Sector Zone. Having come to know about his transfer, the petitioner submitted representation for retention by citing medical reasons enclosing the relevant medical record. On consideration of the request, the petitioner was informed by Office Memorandum, dated 21.03.2017, that the Inspector General of Eastern Sector was appraised of the medical conditions and is requested to give appropriate posting duly taking note of the medical opinion. However, the petitioner wants retention in Visakhapatnam for some more time on the ground that his family members live in Visakhapatnam and he needs their support.

2. Learned counsel representing learned Assistant Solicitor General submits that the petitioner was due for transfer in the year 2016, but on a request made by him, he was retained. She submits that the petitioner has already completed more than eight years nine months of service in two spells in Visakhapatnam and he cannot be retained further. She further submits that the petitioner is given posting in NALCO Damanjodi, which is about 200 kms. from Visakhapatnam, and the place has got all the medical facilities.

3. Since the respondents are aware of the medical condition of the petitioner and due care is taken while transferring, the petitioner cannot complain of his transfer. The service of the

petitioner is with All India Liability and therefore wherever he is transferred he is required to work and cannot refuse. It is appropriate to note that the competent authority has taken note of the medical condition of the petitioner and made appropriate provision to accommodate him where medical facilities are available in the Eastern Zone. Thus, I do not see any error in the decision taken by the respondents in transferring the petitioner warranting interference by this Court.

4. The Writ Petition is accordingly dismissed. However, having regard to the peculiar facts of this case, the respondents are directed to grant time till 15.04.2017 to the petitioner to relieve and report at the place of his posting. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date:04.04.2017

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P. NAVEEN RAO, J