

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14176 OF 2017

DATED : 20.04.2017

Between :

Debotesb Bangal S/o.Lal Mohan Bangal,
Aged 43 yrs, Occu : Constable,
In CISF, R/o.BDL Bhanur, Medak District, Telangana.

.. Petitioner

And

The Union of India,
Rep., by its Director General,
CISF, Department of Home Affairs,
CGO Complex, New Delhi & others.

Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner is a constable working in Central Industrial Security Force. Petitioner earlier posted to Bharath Dynamic Limited, Hyderabad. By the order dated 17.03.2017 impugned in this writ petition, petitioner is transferred to Kudgi Super Thermal Power Project (NTPC), Kudgi, Bijapur of State of Karnataka. Petitioner submitted a representation on 19.03.2017 requesting for retention at the present place on the ground that his son is studying in Xth class. This request is made by placing reliance on Clause XIII of Transfer Policy notified vide Circular No.53/2011. This clause provides for an employee to request for retention, if his child is studying in 10th or 12th class. Petitioner submitted further representation on 28.03.2017 and it appears his representation was forwarded to the competent authority. But so far no decision is taken.

3. Having regard to the fact that petitioner is working in BDL for the last three years and that his son is studying in Xth class, in accordance with the transfer policy, the request of the petitioner ought to have been considered, though transfer policy is not enforceable, and it does not preclude the competent authority for consideration of such request, if it is otherwise feasible subject to organizational requirements.

4. Having regard to the above, the writ petition is disposed of directing the 2nd respondent to consider the request of the petitioner for retention made on 19.03.2017 and reminder

submitted on 28.03.2017, within one week from the date of receipt of copy of this order. Till the orders are passed as directed, petitioner shall not be disturbed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

20th April, 2017
Note : Issue c.c. today
B/o.
Rds

