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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1306/2017 & CM No. 5971/2017 (stay)

BRAJENDRA KR. MISHRA

..... Petitioner

Through

Mr. Hrishikesh Chitale &
Mr. Ashish Verma, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through

Mr. Jitesh Vikram Srivastava,
Advocate for respondent No.1
Mr. S.S.Sejwal, Law officer, CRPF

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

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14.02.2017

In this writ petition, the petitioner, a Constable of the Central Reserve Police Force, posted in New Delhi in 122 Battalion of CRPF, has challenged an order No.T.IV.33/2016-Estt. dated 17.02.2016, communicated by Signal Order dated 20.02.2016, whereby the petitioner has been transferred to the 222 Battalion of CRPF, which is located in Chhattisgarh.

The order of transfer has been challenged on the ground of violation of standing orders of the CRPF, as the petitioner has a severely mentally retarded 25 year old daughter, who is 90% disabled

and undergoing treatment at New Delhi.

It is stated that pursuant to representations made by the petitioner, the transfer order was kept in abeyance for a period of one year, that is, till 17.02.2017.

The petitioner has relied on Standing Order No.07/2015 circulated by a memorandum No. T-IX-1/2015/Estt dated 04.08.2015, issued by the office of the Director General, CRPF, CGO Complex, Lodhi Road, New Delhi.

Paragraph 05 of the said Standing Order provides that personnel with specially abled children might be considered for static posting in Battalions in peace areas to facilitate specialized treatment of such children. After completion of their tenure, they can be posted to nearby units.

It is true that the Standing Orders are in the nature of guidelines. The standing orders are not mandatory, but are only directory. However, Standing Orders cannot altogether be ignored. The respondents are obliged to make every endeavour to accommodate personnel, who are care-givers of specially abled children, in areas which have specialized treatment facilities.

By a memorandum No.ST-1/2016(122)-STHA-1 dated 03.11.2016, the office of the Commandant 122 Battalion CRPF informed the company Commandant of the said Battalion that the transfer of the petitioner had been postponed till May, 2017.

Having regard to the said Memo No. S.T.No. 1/2016-122-Stha-I dated 3.11.2016 of the Office Commandant -122, Batallion, CRPF, Andheriya More, Mehrauli, New Delh-74 intimating the Company Commander, C/F/122, Batallion, CRPF that the transfer of the petitioner had been postponed till May, 2017 by the Directorate, status-quo may be maintained with regard to the posting of the petitioner till 1st May, 2017.

In the meanwhile, the petitioners may make a detailed representation to the respondents. The concerned authority shall consider the representation of the petitioner sympathetically and in accordance with law. The respondent may consider posting the petitioner near any Metropolitan City in India which has specialized treatment facilities for the disability of the kind suffered by the daughter of the petitioner.

The writ petition is disposed of.

A copy of this order be given *Dasti* under the signature of
Court Master.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

FEBRUARY 14, 2017
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