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

+ **W.P.(C) 2457/2017**

M RAMASAMY

..... Petitioner

Through Mr. P. Sureshan, Advocate.
versus

UNION OF INDIA & ORS

..... Respondents

Through Ms. Bharathi Raju, CGSC for
respondent Nos. 1 to 3/UOI.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **30.03.2017**

CM Nos. 10559/2017 and 10560/2017 (Exemptions)

Exemption allowed, subject to all just exceptions.

The applications stands disposed of.

W.P.(C) 2457/2017

In this writ petition, the petitioner has sought orders on the respondents to count the past service of the petitioner rendered with the CRPF out of his home zone for the purpose of posting and thereafter transfer of the petitioner to any CISF Unit within the State of Tamilnadu.

In support of his claim to posting in the home zone, the petitioner has relied on Circular No. 53/2011 circulated vide a Memo No. E-38011/1/2011/Estt.II/141 dated 15.02.2012, as corrected vide Circular dated

15.02.2012, laying down the guidelines for posting/transfer of CISF personnel in various sectors of CISF except Airport Sector. The circular, inter alia, provides:

“B) TENURE OF POSTING

The out of home zone and home zone tenure for posting in respect of NGOs are subject to availability of vacancies, operational and administrative needs and new inductions. The details are as follows:-

1) OUT OF HOME ZONE/HOME ZONE TENURE FOR CONSTABLES, HCs, AS/s, SIs 11 INSPECTORS (EXCLUDING STENO & MINISTERIAL STAFF) OF ALL SECTORS EXCEPT NORTH SECTOR AND EAST SECTOR.

BASIC TRAINING PERIOD: NEITHER TO BE COUNTED IN HOME ZONE NOR OUT OF HOME ZONE

- a) 1st Tenure-07 years in Units in Out of Home Zone (excluding training)
- b) 2nd Tenure-12 years in Units in Home Zone
- c) 3rd Tenure-06 years in Out of Home Zone or more
- d) 4th Tenure (Remaining Service)-To continue in OHZ

Will be Considered for Home Zone subject to availability of vacancies in Home Zone (Vacancies would be calculated with stipulation that Home Zone should not have more than 50% of HZ personnel). Personnel will have to tender 6 years OHZ in 3rd tenure before this consideration starts and would be subject to the stipulation that number of HZ personnel does not exceed 50% above and on merit (i.e. personnel with more OHZ service will be posted first).

II) OUT OF HOME ZONE/HOME ZONE TENURE FOR CONSTABLES, HCs, ASIs, SIs & INSPECTORS (EXCLUDING STENO MINISTERIAL STAFF) OF NORTH SECTOR & EAST SECTOR.

BASIC TRAINING PERIOD: NEITHER TO BE COUNTED IN HOME ZONE NOR OUT OF HOME ZONE

- a) 1st Tenure-09 Years in Units in Out of Home Zone (excluding training)
- b) 2nd Tenure-10 Years in Units in Home Zone
- c) 3rd Tenure-08 years in Out of Home Zone or more
- d) 4th Tenure (Remaining Service)- To continue in OHZ.
will be Considered for Home Zone subject to vacancies in Home Zone (Vacancies should be calculated with stipulation that Home Zone should not have more than 50% of HZ personnel). Personnel will have to tender 8 years OHZ in 3rd tenure before this consideration starts and would be subject to the stipulation that number of HZ personnel does not exceed 50% above and on merit (i.e. personnel with more OHZ service will be posted first).

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III) OUT OF HOME ZONE/HOME ZONE TENURE FOR STENO & MINISTERIAL STAFF

BASIC TRAINING PERIOD: NEITHER TO BE COUNTED IN HOME ZONE NOR OUT OF HOME ZONE

- a) 1st Tenure-07 Years in Units in Out of Home Zone (excluding training)
- b) 2nd Tenure-12 Years in Units in Home Zone
- c) 3rd Tenure-06 Years in Out of Home Zone or more
- d) 4th Tenure (Remaining Service)-To continue in OHZ
will be considered for Home Zone subject to vacancies in Home Zone (Vacancies should be calculated with stipulation that Home Zone should not have more than 50% of HZ personnel) Personnel will have to tender 6 years in OHZ in 3rd tenure before this consideration starts and would be subject to

the stipulation that number of HZ personnel does not exceed 50% above and on merit (i.e. personnel with more OHZ service will be posted first).

The petitioner's first tenure posting has been as ASI in the Indira Gandhi International Airport, Delhi. He has not completed seven years outside the home zone. Therefore, the petitioner is not entitled to posting in the home zone. Order No. E-36031/IGI (AP/1/2014/23980 dated 27.12.2014 is of no assistance on selection as ASI/Exe in CISF. The interruption in service was specifically regularized by directing that the period of service with the CRPF between 05.09.2004 to 01.07.2012 be counted for the purpose of carry forward of leave, pay fixation etc. The order does not allow carry forward of past service in the CRPF for the purpose of home posting. In any case, the services of CISF personnel are transferrable.

The writ petition is dismissed with the above observations.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

MARCH 30, 2017

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