

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

And

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1034 of 2018

- 1.The Officer-in-Charge,
Bureau of Naviks,
Cheetah Camp, Mankhurd,
Mumbai - 400 088.
- 2.The Commander,
Headquarters, Coast Guard Region (East),
Coovum River Mouth,
Chennai - 600 009.
- 3.The Commander,
Coast Guard District Hqrs No.4,
Kalavathy Road, Fort-Kochi,
Kerala, Pin - 682 001.
- 4.The Director (Personnel)
Coast Guard Headquarters,
National Stadium Complex,
New Delhi - 110 001.
- 5.V.R.Raghu ... Appellants/Respondent

सत्यमेव जयते
Vs.

Vimal Kishore ... Respondent/Petitioner

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent seeking to set aside the order dated 16.03.2018 passed in W.P.No.6718 of 2015 Writ Petition filed Under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified mandamus calling for all the connected records pertaining to the passing of the order dated 02.10.2014 in proceedings No.257/AMEYA(I) on the file of the first respondent and quash the same consequently direct the first respondent to continue the petitioner at chennai.

For Appellants : Mr.G.Karthikeyan
Assistant Solicitor General of India
For Respondent : Mr.M.Selvaraj

J U D G M E N T

(Order of the Court was made by HULUVADI G.RAMESH,J.)

This writ appeal has been filed against the order dated 16.03.2018 in W.P.No.6718 of 2015, wherein, the learned Single Judge allowed the writ petition filed by the respondent herein.

2.The respondent/ writ petitioner was transferred from Chennai to Kochi vide proceedings of the first appellant dated 02.10.2014. Challenging the said transfer order, the writ petitioner filed a writ petition in W.P.No.6718 of 2015 before this Court. This Court vide order dated 16.03.2018, allowed the writ petition. Challenging the said order, the appellants/ respondents in the writ petition have preferred this appeal.

3.The learned Assistant Solicitor General of India would submit that there is no Hospital belonging to the appellant Department either in Chennai or in Kochi in which the respondent could take treatment. Therefore, when the respondent has been visiting the Hospital at Bangalore from Chennai, it will not make any big difference, if he comes from Kochi. Therefore, the order of the learned Single Judge warrants interference. Accordingly, he prayed for allowing the writ appeal.

4.The learned counsel appearing for the respondent/ writ petitioner would submit that the respondent is suffering from peptic ulcer/ cancer and hence his transfer order was challenged in the writ petition and the learned Single Judge rightly cancelled the transfer order by allowing the writ petition. Hence, the order of the learned Single Judge does not warrant any interference. Accordingly, he prayed for dismissal of the writ appeal.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Perusal of the records reveal that the writ petitioner is suffering from chronic bowel disorder and he is taking treatment for the same in the hospital belonging to the appellants at Bangalore. It is also admitted that the writ petitioner has to travel once in three months to Bangalore for his treatment. Though it is inconvenient for the writ petitioner to travel to Bangalore either from Chennai or from Kochi, the writ petitioner feels that it is more inconvenient to travel from Kochi than from Chennai. It is known that the writ petitioner is aged about 45 years and has put in five years of service in Chennai.

7.Since the writ petitioner is suffering from a chronic disease for which life long treatment is required and since according to the writ petitioner it is more inconvenient for him to take treatment in Bangalore travelling from Kochi, this Court directs that, for the present, the appellants shall bear with the order of the learned Single Judge dated 16.03.2018 passed in W.P.No.6718 of 2015 and after one or two years, looking into the health condition of the writ petitioner, the appellants can take a decision independently, in accordance with law.

8.The writ appeal is disposed of accordingly.No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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1.The Officer, In Charge,
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+1cc to Mr.Karthikeyan, Advocate, S.R.No. 40828.

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PVS (CO)
BM 17/07/2018.