

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 9.1.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.11 of 2018
and
C.M.P.No.165 of 2018

C.Vijaya Appellant/Petitioner

Versus

- 1 The Director General
CRPF CGO Complex
Lodhi Road New Delhi 110003.
- 2 The Director (Medical)
Directorate General
CGHS Dispensary
Sector-4 Pushvihar
M.B. Road New Delhi.
- 3 The Deputy Inspector General of Police
Group Centre CRPF Avadi
Chennai 600 065.
- 4 The Dy. Inspector General of
Police (Medical)
Composite Hospital GC
CRPF Avadi Chennai 600 065. Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 30.11.2017 passed in W.P.No.30412 of 2017 on the file of this court.

Writ petition filed under Article 226 of the Constitution of India seeking for issuance of writ of Certiorarified Mandamus to call for the records pertaining to the transfer order dt 11.5.2016 issued by the 2nd respondent in proceeding No. T. IX - 01 / 2016 - DA-3 and consequential order of 4th respondent dt 17.11.2017 in proceedings No. T.IX - I/2017-CH AVD - EC-1 and quash the same in petitioner concerned and forbear the respondents from transferring her from Composite Hospital, Group Centre, CRPF, Avadi, Chennai to Composite Hospital, Delhi and

retain her in the same Hospital at Avadi or in other establishments of CRPF at Chennai viz. RTC/97 Battalion.

For appellant : Mrs.R.Meenakshi
For respondents : Mr.K.Srinivasamoorthy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.K.Srinivasamoorthy, learned counsel, who takes notice on behalf of the respondents.

2. It appears that since 1993, this appellant is working in CRPF and from October 2011, she has been working at the present Station viz., Avadi, Chennai and during May 2016, she was sought to be transferred to New Delhi which she had challenged in the writ petition on medical grounds contending that she had been diagnosed as suffering from Cancer and she being a widow, she could not be able to manage at New Delhi.

3. The learned Single Judge, by considering the case of the appellant sympathetically, indulged into the issue and disposed of the writ petition by observing that it is left open to the petitioner to work out her remedy by giving Voluntary Retirement and in such event, it is for the authorities to accept the same and at the same time, if she had put in required qualifying service for Voluntary Retirement, she shall be allowed to continue for the remaining requisite period i.e., for a year or two and thereafter, she shall present the papers for Voluntary Retirement.

4. Now, the difficulty pleaded by the appellant/writ petitioner is that she, being a widow and suffering from Cancer at some advanced stage, needs proper medical attention and therefore, she needs to be at the present Station itself as she had been medically advised to undergo treatment for her ailment at Kauvery Hospital, Chennai and for the feasibility of getting some assistance from her son and daughter, which she would lack if she had to be at New Delhi. It is her further case that if she is constrained to go on Voluntary Retirement, she would not be able to spend for her treatment, which would involve a substantial amount.

5. Though the challenge made by the appellant is against an order of transfer in service, which is an incident of service and on administrative reasons, considering the peculiar facts and circumstances of the case, especially, the pathetic condition of the appellant/writ petitioner, who is a widow and is now suffering from Cancer at some advanced stage, after having served in CRPF for about 25 years, cannot be left in the lurch, by transferring her to a new place during her tough

period. The physical condition of the appellant/petitioner cannot be simply ignored. Therefore, we are of the view that some leniency can be shown to her. In that view of the matter, we direct the respondents that she shall be permitted to continue in the present Station itself for two more years from the date of this judgment to enable her to recover from her ailment and thereafter, she will be left with two option either to join in the transferred place or to opt for Voluntary Retirement.

6. With the above modification of the order passed by the learned Single Judge, the writ appeal is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

ssk.

To:

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+1cc to Mr.R.Meenakshi, Advocate SR.No.1580

+1cc to Mr.K.Srinivasamurthy, Advocate SR.No.1657

W.A.No.11 of 2018

SS(CO)
GN(06/02/2018)