

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-03-2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4892 of 2018

and

W.M.P. No.6039 of 2018

P.Rajendran

. Petitioner

-vs-

- 1.The Union of India,
Represented by its Secretary to Government,
Ministry of Home Affairs,
Government of India,
New Delhi - 110 001.
 - 2.The Director General,
Central Industrial Security Force,
No.13, CGO Complex,
Lodhi Road,
New Delhi-110 003.
 - 3.The Additional Director General/Airport Sector,
Central Industrial Security Force,
Mahipalpur,
New Delhi.
 - 4.The Deputy Inspector General/APSZ,
Central Industrial Security Force,
Rajaji Bhavan,
Besant Nagar,
Chennai-600 090.
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the order passed by the fourth respondent Office order issued under letter No.E-31016/APSZ/ADM/00/2018-1131 dated 28.2.2018 and the Movement Order No.E-38014/CISF/APSZ/ADM/M.O/2018-1136 dated 28.2.2018 and quash the same and to direct the respondents to retain the petitioner at AIRPORT SOUTH ZONE HEADQUARTERS (APSZ), CHENNAI till completion of the tenure.

For Petitioner - Mr.M.Md.Ibrahim

For Respondents - Mr.S.Arockiam,
Central Government Standing
Counsel.

ORDER

This writ petition has been directed against the impugned order dated 28.2.2018 and the Movement order dated 28.2.2018 transferring the petitioner from Chennai to Trichy, on the ground that when the petitioner and his wife are working in Chennai, before completion of three years of his tenure, the impugned order has been passed disturbing their joint stay at Chennai.

2. The learned counsel appearing for the petitioner, assailing the impugned order, would submit that on the date of transfer order, the petitioner was also visited with movement order. Therefore, the petitioner was unable to challenge both the orders immediately.

3. The transfer policy, contained in Circular No.22/2017 dated 25.9.2017, says that how the tenure of posting of an Officer in a Unit/Station should be maintained for an Officer working in CISF. In the case of Unit/Station, it would be three years. In the case of Sector/Zonal/Group, three years would be extendable by maximum of one year. If it is in the case of Force Headquarters, three years would be extendable by maximum of two years. Whereas in the case of Hard Area Unit, it would be as per the instructions issued from time to time by the Competent Authorities.

4. In the present case, the petitioner's wife Mrs.C.Vijayalaxmi, SI/MIN has been working in the CISF Group Head Quarters, Chennai from 3.7.2017. As per para-38 of the Circular, issued by the second respondent, both should be posted in the same Station. When the petitioner was brought to Chennai on 7.7.2017, before completion of three years of his tenure, he has been transferred to Trichy and now he has been facing with movement order and his two children, namely, one daughter, R.Sruthi, is studying one in VIII Standard in Kendriya Vidyalaya, Chennai and his son R.Harish is studying in the First Year MBBS Course in the Government Medical College, Omandurar Complex, Chennai.

5. A sudden transfer and the movement order have caused great inconvenience to the family of the petitioner and his children. Therefore, the same has to be interfered with, it is pleaded.

6. Learned Central Government Standing Counsel, appearing on behalf of the respondents, submitted that the petitioner has been transferred only to Trichy and he has been issued with both transfer and movement order on 28.2.2018 and he has been relieved from Chennai. Hence, the petitioner cannot come to this Court after he was relieved from Chennai Office.

7. However, the learned counsel, appearing for the petitioner, submitted that when the petitioner and his wife were working together in the office in the same building i.e., in the Ground Floor and in the First Floor, the petitioner may be permitted to complete his three years of tenure in Chennai, i.e., the remaining period of 1-1/2 years.

8. The learned Central Government Standing Counsel, appearing on behalf of the respondents, would submit that if the petitioner gives his representation, as he has already been relieved from Chennai, he has to report for duty at Trichy and make a representation, setting out all these facts and then the respondents may consider his request for transfer to any other place in Chennai. Hence, the petitioner shall give his representation within ten days from the date of receipt of a copy of this order and the same shall be considered whether he can be accommodated in Chennai other than Chennai Airport.

9. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Secretary to Government,
Union of India,
Ministry of Home Affairs,
Government of India,
New Delhi - 110 001.

2.The Director General,
Central Industrial Security Force,
No.13, CGO Complex,
Lodhi Road,
New Delhi-110 003.

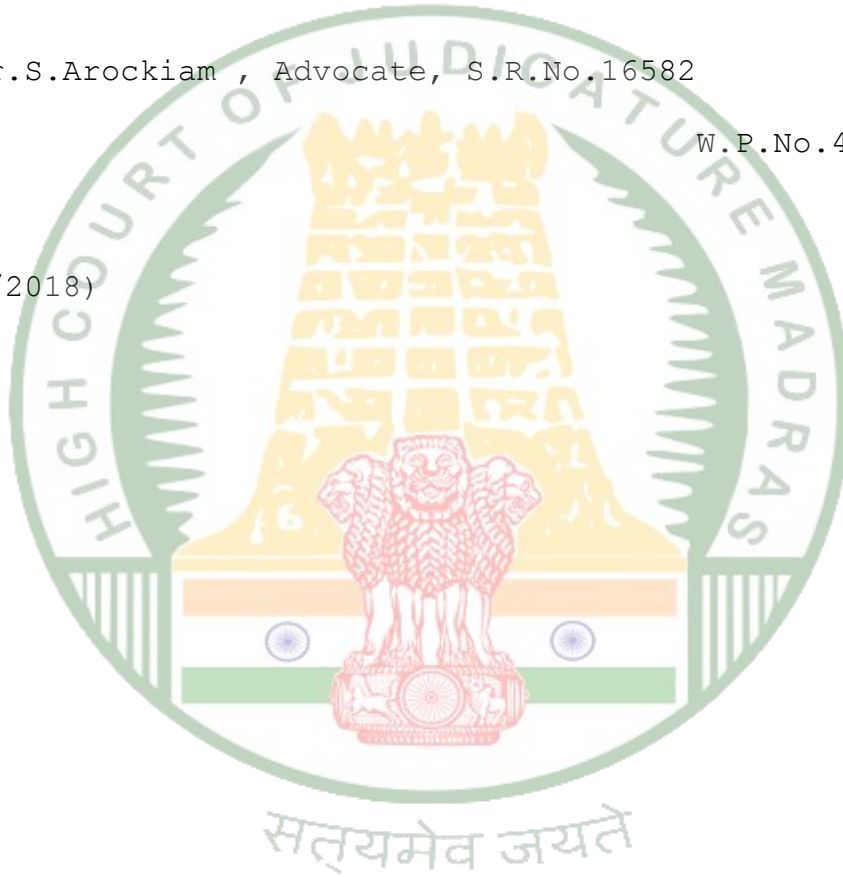
3.The Additional Director General/Airport Sector,
Central Industrial Security Force,
Mahipalpur,
New Delhi.

4.The Deputy Inspector General/APSZ,
Central Industrial Security Force,
Rajaji Bhavan,
Besant Nagar,
Chennai-600 090.

+1cc to Mr.S.Arockiam , Advocate, S.R.No.16582

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