

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.1767 of 2018 and
WMP.No.2189 of 2018

N.Ramesh

... Petitioner

Vs

1.The Director General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi-110 003.

2.The Deputy Inspector General of Police
(Establishment),
Office of Directorate General,
Central Reserve Police Force (CRPF),
Block No.1, CGO Complex,
Lodhi Road, New Delhi-110 003.

3.The Deputy Inspector General/Principal,
Recruit Training Centre (RTC),
Central Reserve Police Force (CRPF),
Avadi, Chennai-65.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to
to issue a Writ of Certiorarified Mandamus, calling for the records
relating to the impugned order of the second respondent issued in
No.T.IX-12/2017-Estt-DA-3, dated the 18th December, 2017 and quash
the same and direct the respondents 1 and 2 to consider the posting of
the petitioner as sought for in his representation dated 17.11.2017 by

taking note of the medical exigency of his wife Mrs.Vidya in accordance with the Central Reserve Police Force (CRPF) Standing Order No.07/15 dated 04.08.2015.

For Petitioner : Mr.P.Mohan Raj

For Respondents : Mr.K.Srinivasamoorthy,
C.G.S.C.

ORDER

Challenging the impugned order dated 18.12.2017 passed by the Deputy Inspector General of Police (Establishment), Office of Directorate General, Central Reserve Police Force, Block No.1, CGO Complex, Lodhi Road, New Delhi-3, the 2nd respondent herein, pursuant to the orders passed by a Division Bench of this Court in W.A.No.1290/2017 dated 13.10.2017 dismissing the appeal thereby confirming the learned Single Judge Order passed in W.P.No.31182/2016 dated 7.8.2017, declining to entertain the writ petition challenging the transfer order dated 30.06.2016 passed by the 2nd respondent therein, the present Writ Petition has been filed.

2. Learned Counsel appearing for the petitioner submitted that since the petitioner has already served in Jammu and Kashmir areas for more than seven years, in order to help his wife, who is suffering from

gynaecological problems since 2014 and undergoing treatment, made a representation stating that he has got two daughters aged about 9 and 11 years respectively studying in Class I and VI respectively and no one except him is available to look after them and also his ailing wife. But these things have not been considered.

3. In this regard, a perusal of the order impugned in this Writ Petition shows that the petitioner has worked for more than 4 years in RTC-AVD against the prescribed tenure of 3 years and on completion of tenure of RTC Avadi, he allotted on transfer to CZ and further posted to 177 Battalion deployed at Sopore District, Baramulla of Jammu and Kashmir State and to provide equal opportunity of static, posting to other personnel of field units, allowing him to continue at a static place beyond the prescribed tenure by over ruling the standing order on the subject will put an adverse impact on transfer policy and it will also set a wrong precedent to others.

4. In reply, the learned Counsel for the petitioner submitted that the petitioner has not asked for static posting at any point of time, but only to come back to Chennai to take care of his ailing wife and his two school going children at times of emergency, he sought for his posting in any other place except Jammu and Kashmir.

5. In my considered view, this request also may not be acceptable by anyone. The reason is when the petitioner has joined the CRPF to suit his convenience, he cannot give either instruction or suggestion for his posting. It is for the employer to decide who has to be posted where at times of emergency. Therefore, this Court, having known that his earlier Writ Petition seeking to quash the transfer order to Jammu and Kashmir is dismissed by this Court on 7.8.2017 in W.P.No.31182/2016 which was also confirmed by the Division Bench of this Court in W.A.No. 1290/2017 dated 13.10.2017, is not inclined to entertain the present Writ Petition.

6. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

सत्यमेव जयते

12.02.2018

Index:Yes/ No
Internet:Yes/No
Speaking /Non-speaking order
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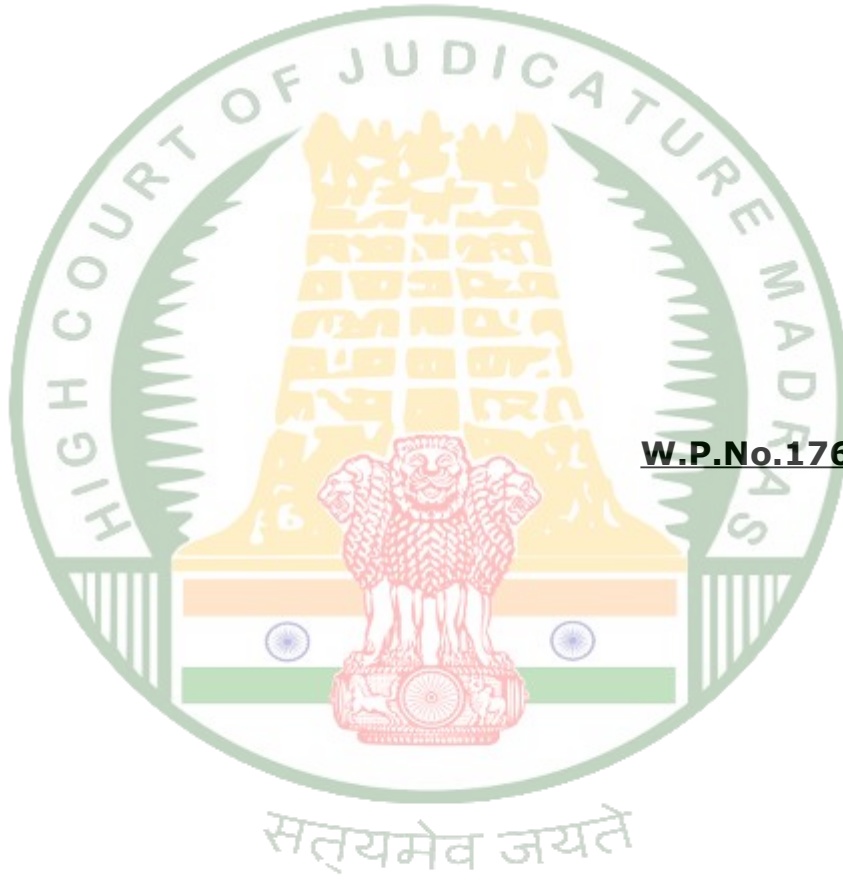
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T.RAJA, J.

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