



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.4726 of 2018

and

W.M.P.(MD).No.4766 of 2018

I.Venugopal

...Petitioner

Vs.

1.The Union Government of India,
Represented by The Inspector General,
CISF SS Head Quarters, Chennai.

2.The Deputy Inspector General,
CISF, Department of Space (DOS),
Head Quarters, Bangalore.

3.The Senior Commandant,
CISF Unit, VSSC Thumpal,
Trivandrum, Kerala.

4.The Deputy Commandant,
CISF Unit, LPSC (Liquid Propulsion System Centre),
Valiamala, Trivandrum District,
Kerala.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the entire records connected with impugned order passed by the fourth respondent in E-38014/CISF/LPSC/Adm/2018-524 dated 21.02.2018 and quash the same.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.R.Arjunarajan

ORDER

Mr.Arjunarajan, learned counsel, takes notice for the respondents.

2.By consent of both parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.



3.The petitioner is working as a Constable in the Central Industrial Security Force. He has been transferred from Mahandragiri to Raichur. It appears that the petitioner was issued with a charge memo and at present proceedings are pending.

4.The learned counsel appearing for the petitioner would draw the attention of this Court to the communication of the IF CISF SS Head Quarters, Chennai, issued dated 21.02.2018, which is reflected in the impugned order and would contend that the order of transfer is punitive in nature. It is to be interfered with.

5.It is true that if an order of transfer is imposed as a measure of punishment, this Court would normally interfere. But, one cannot lose sight of the fact that the petitioner is employed in a Paramilitary organization. In the very nature of things, discipline is paramount. The petitioner is accused of having exhibited insubordination and also unbecoming conduct in the place of duty. Therefore, in such circumstances, when an order of transfer is passed, this Court would not be justified in interfering with the same.

6.The learned counsel appearing for the petitioner submits that the petitioner's wife is a stroke patient. She is confined to bed. If that is the situation of the petitioner's wife, the petitioner should have shown greater restraint.

7.However, taking note of the said circumstance, the petitioner is permitted to make a representation to the first respondent. It is made clear that the petitioner's representation can be taken up sympathetically only if the petitioner complies with the order of transfer and there is change in his behavior. The first respondent shall consider his case for re-transfer sympathetically in that event. The Registry is directed to return the impugned order in original. The petitioner shall substitute the same with a xerox copy. This order is passed considering the fact that the petitioner being a Central Industrial Security Force Personnel will not be permitted to join duty in the transferred place, without the production of the order impugned in this case.

8.With these observations, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1.The Union Government of India,

<https://hcservices.ecourts.gov.in/hcservices/>

Represented by The Inspector General,
CISF SS Head Quarters, Chennai.



2. The Deputy Inspector General,
CISF, Department of Space (DOS),
Head Quarters, Bangalore.

3. The Senior Commandant,
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Trivandrum, Kerala.

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Valiamala, Trivandrum District,
Kerala.

COPY TO:

The Record Keeper,
E.R. Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.K.K.Kannan, Advocate SR.No. 53113

+1cc to M/S.R.Arjunarajan, Advocate SR.No. 53112

ORDER MADE IN
W.P. (MD) .No.4726 of 2018
06.03.2018

tsg

JM/SKN RSK/SAR 1/04.04.2018/3P/9C