

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.02.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1057 of 2018

and

W.M.P.Nos.1276 & 1277 of 2018

K.Arun Kumar

..Petitioner

vs

1.The Deputy Inspector General of Police
(Establishment)

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

2.The Inspector General of Police

Southern Sector, Central Reserve Police Force (CRPF)
Road No.10 C, Jubilee Hills
Gayathri Hills, Hyderabad - 500 033

3.The Deputy Inspector General of Police

Group Centre, Central Reserve Police Force (CRPF)
Avadi, Chennai - 600 065.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the Third Respondent issued in No.T.IX-2/2017-EC-1 dated 23.12.2017 and quash the same and direct the respondents to retain the petitioner in the present station, namely, Group Centre, Central Reserve Police Force (CRPF), Avadi till the completion of his normal tenure of 3 years in accordance with the Central Reserve Police Force (CRPF) Standing order No.07/15 dated 04.08.2015.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.S.S.Meenakumary

Central Government Standing Counsel

O R D E R

The order of transfer issued by the respondent in proceedings dated 23.12.2017, transferring the writ petitioner from Avadi to Chattisgarh is under challenge in the present writ petition.

2.The writ petitioner has joined in the Central Reserve Police Force as Constable (GD). After completion of his training, the petitioner served in the State of Jammu and Kashmir for more than eight years. Thereafter, he was posted at Chattisgarh.

3.The grievances of the writ petitioner is that he had completed the field service of 10 years and in order to perform his marriage and to take care of his aged and ailing parents, he made a representation to the competent authorities seeking transfer to his Home State, Tamilnadu. The case of the writ petitioner was considered by the competent authorities and he was posted to Group Centre, Avadi and he joined duty in order to solemnize his marriage on 08.09.2017.

4.The learned counsel for the writ petitioner states that the normal tenure is three years. Once a Central Reserve Police Force(CRPF) is posted in his personal State as per the Standing order, the writ petitioner is continuing in Avadi for three years.

5.The learned counsel for the respondents objected the contentions raised by the writ petitioner by stating that the specific request of the writ petitioner for solemnization of his marriage at Chennai was considered and the order of transfer also stipulates that the writ petitioner will be permitted to continue at Avadi for one year period. When the authorities competent have taken a decision to allow the writ petitioner to continue at Avadi Station for one year, now he cannot claim three years as per the Standing orders. However, on account of the interim order granted and on other reasons, the writ petitioner is allowed to continue for more than two years as of now.

6.The learned counsel for the writ petitioner today filed an affidavit of the writ petitioner, stating that "I hereby undertake to obey the order of transfer that may be passed after completing my normal tenure of 3 years i.e., after October-November 2019, which I am duty bound to obey."

7.The learned counsel for the writ petitioner also made a submission that the period of three years is going to be completed in October 2019 and on expiry of the period of three years, the writ petitioner would abide by the order of transfer issued by the competent authorities.

8.In view of the undertaking now provided by the writ petitioner, this Court is inclined to consider the writ petition and accordingly, the following orders are passed:

(i) The writ petitioner is permitted to continue in a Group Centre, Avadi, Chennai till 31st October 2019.

(ii) Thereafter, the respondents are at liberty to transfer the writ petitioner by issuing an administrative order.

9. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

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Avadi, Chennai - 600 065.

+1cc to Mr. S.S. Meena Kumari, Advocate, S.R.No. 11781

+1cc to Mr. J. Lakshmi Narayanan, Advocate, S.R.No. 12466

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RSV(CO)
GN(05/03/2019)

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