

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.06.2019

Coram

The Hon'ble Mr. Justice **V.PARTHIBAN**

W.P.No.15252 of 2019

and

WMP No.15241 of 2019

S.Rajasekhara Reddy

..... Petitioner

vs.

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

2.The Director General,
Central Industrial Security Force,
CGO Complex, Lodhi Road,
New Delhi-600 003

3.The Inspector General,
CISF Head Quarters South Sector,
Chennai Port Trust Campus,
Near War Memorial,
Chennai-600 009

4.The Deputy Commandant,
Office of the Deputy Inspector General,
Central Industrial Security Force,
Suraksha Campus, RTC Arakkonam,
Vellore District-631 152

... Respondents

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 Service Order No.310 of 2019 in letter No.E-38014/1/36th IST-19/order-II/2019/1544, dated 28.03.2019 issued by the 2nd respondent and the office order No.E-38014/CISF/RTC (A)/Adm/Posting/19/5034, dated 31.05.2019, issued by the 4th respondent and quash the same in so far as the item No.1 is concerned and to direct the respondents to retain the petitioner in the RTC Arakkonam till 31.05.2020 or may be transferred in and around Chennai CISF Units considering the representations of the petitioner dated 09.04.2019 and 20.05.2019.

For Petitioner .. Mr.M.MD.Ibrahim

For Respondents ... Mr.S.Magesh,C.G.S.C.

ORDER

This writ petition has been filed seeking to call for the records from the 2nd and 4th respondent relating to the Service Order dated 28.03.2019 and the consequential office order dated 31.05.2019 and to quash the same in so far as item No.1 is concerned and to direct the respondents to retain the petitioner in the RTC Arakkonam till 31.05.2020 or transfer him to the place in and around Chennai CISF Units, considering his representations dated 09.04.2019 and 20.05.2019.

2.It is the case of the petitioner that he joined in the services of the Central Industrial Security Force as Sub-Inspector/Exe, on 08.11.2003 and subsequently, he has been promoted to the rank of Inspector/Exe during 2013 and till July 2014 he was working at CISF Unit, RTC Arakkonam, Vellore. Now, as per the impugned service order of the second respondent, inter sector transfers for Inspectors have been effected for 2019. The petitioner made representations on 09.04.2019 and 20.05.2019 to the second respondent seeking retention at RTC Arakkonam till 31.05.2020, on the basis of Circular No.22/2017, dated 25.09.2017. According to the petitioner as per the said Circular he is entitled to Home Zone posting for 12 years. Hence, the petitioner requested for deferment of posting for one year or requested for transfer/posting in and around Chennai CISF Units on the ground that he has to attend the Judicial Magistrate-II Court and Family Court at Tiruvallur with respect to the false complaint lodged by the civilian claiming to be his wife. However, without passing any orders on the representations of the petitioner and without taking into consideration the grievance expressed by the petitioner, the fourth respondent passed the impugned relieving order dated 31.05.2019. Therefore, the petitioner is before this Court with this writ petition.

3. When the matter is taken up for hearing, the learned counsel for the respondents would submit that a direction may be issued to the respondents to consider and pass orders on the representations said to have been submitted by the petitioner.

4. Since the second respondent had passed the impugned service order dated 18.03.2019, followed by the consequential office/posting order dated 31.05.2019, passed by the fourth respondent, without considering the representations made by the petitioner, the writ petition is disposed of with a direction to the second respondent or any other competent authority to consider and dispose of the representations of the petitioner dated 09.04.2019 and 20.05.2019, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Till such time, it is directed that the Service order No.310 of 2019 in Letter No.E-38014/1/36th IST-19/Order-II/2019/1544, dated 28.03.2019, passed by the second respondent and the consequential office order No.E-38014/CISF/RTC(A)/Adm/Posting/19/5034, dated 31.05.2019, issued by the fourth respondent, shall not be acted upon in so far as the petitioner is concerned (item No.1). No costs. Connected miscellaneous petition is closed.

msk

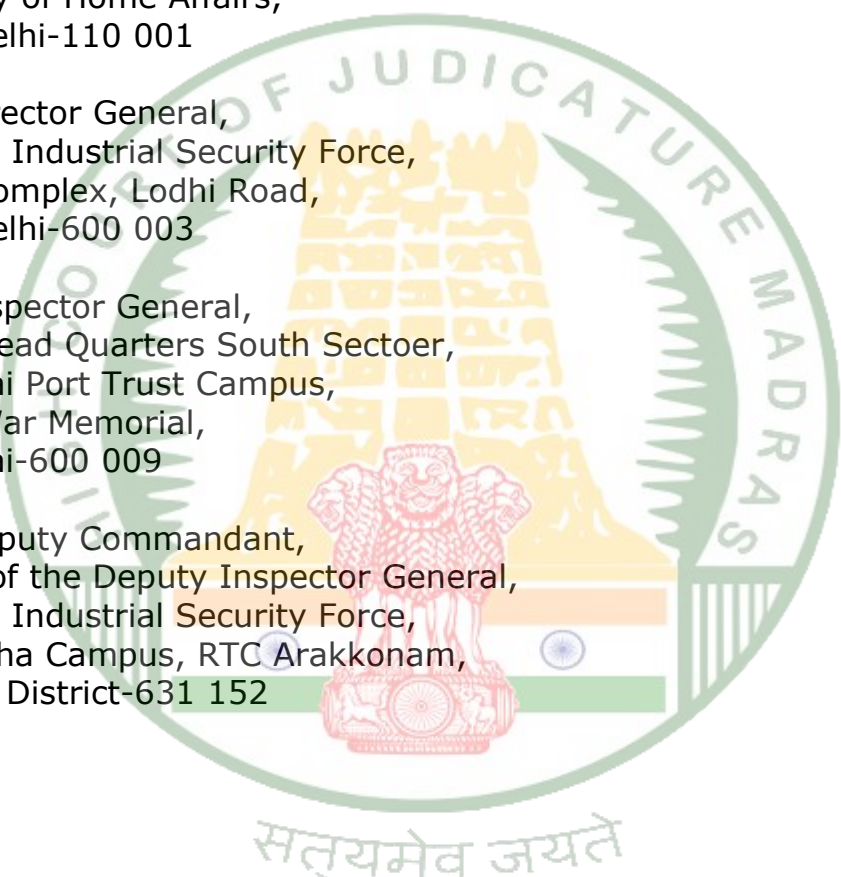
04.06.2019

Index:Yes/No

Internet:Yes

To

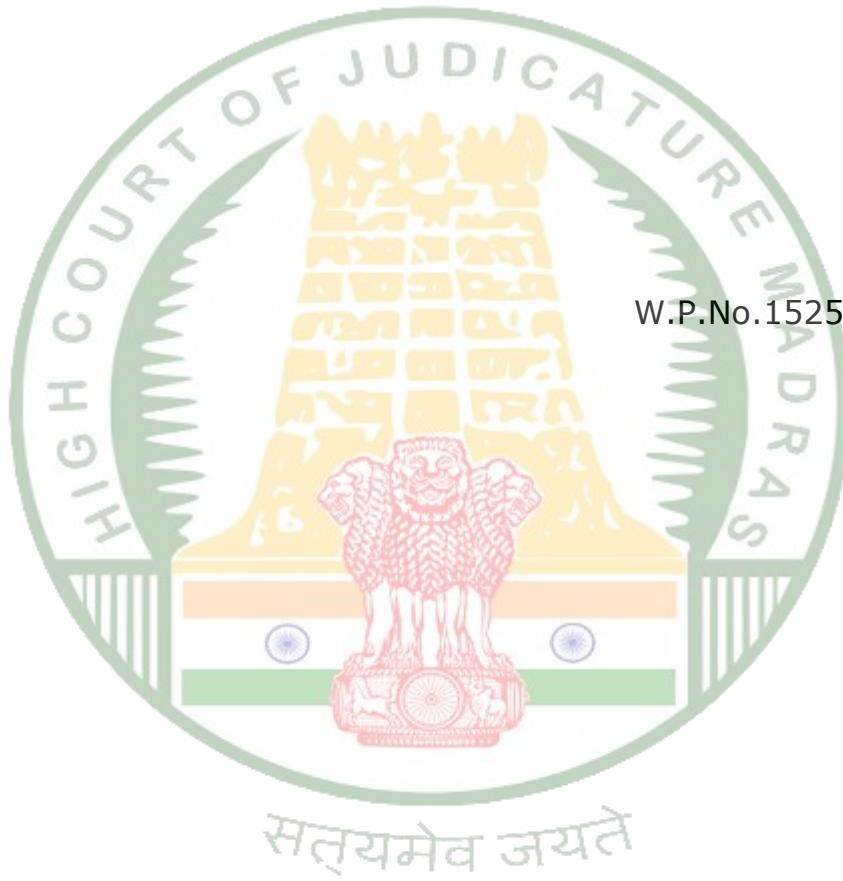
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V.PARTHIBAN,J.

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