

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 29854 of 2019

and

WMP.No. 29760 of 2019

K.C.S. Moorthy

..Petitioner

Vs

1. Director General,
Central Industrial Security Force (CISF)
(Ministry of Home Affairs), FORCE HQ.,
Block-13, CGO's Complex,
Lodhi Road, New Delhi-110 003.
 2. The Additional Director General,
(Airport Sector)
Central Industrial Security Force (CISF)
(Ministry of Home Affairs)
Airport Sector HQ, Admin Block (Ground Floor)
CISF Complex, Mahipalpur, New Delhi-37.
 3. The Inspector General/Airport Sector-II
Central Industrial Security Force (CISF),
(Ministry of Home Affairs)
APS-II SWS Hqrs.,
BIAL, Bengaluru- 560 300.
 4. The Deputy Inspector General,
Central Industrial Security Force (CISF)
(Ministry of Home Affairs)
Airport South Zone Hqrs, 2nd Floor,
D-Wing, Rajaji Bhavan, Besant Nagar,
Chennai-600 090.
- ..Respondents.

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to defer the Inter Sector transfer of the petitioner on education ground until April 2020 as per

Clause 26 of Circular No.22/2017 dated 25.09.2017 and permit the petitioners to continue in the same station till April 2020 on the ground of his daughter's education.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Ashok Kamal.

ORDER

Writ Petition is filed to to issue a Writ of Mandamus directing the respondents to defer the Inter Sector transfer of the petitioner on education ground until April 2020 as per Clause 26 of Circular No.22/2017 dated 25.09.2017 and permit the petitioners to continue in the same station till April 2020 on the ground of his daughter's education.

2. The case of the petitioner is that the petitioner was appointed as Constable in Central Industrial Security Force (CISF), Ministry of Home Affairs in the year 1993 and transferred and posted out of zone for the period of 6 years and thereafter he was transferred back to Home Zone in the year 2000. Subsequently, he was promoted to the cadre of Head Constable in the year 2016. The petitioner has been posted in the Airport Sector coming under the control of Additional Director General (Airport Sector), CISF. Any order of transfer from one zone to another will be passed by the Director General/CISF.

3. The petitioner was issued with an order of Inter Section Transfer in the year 2018 vide Service Order No. 175/2018 dated 16.02.2018, as per which, he was sought to be transferred from Home Zone to Central Sector. The petitioner had submitted representation dated 21.03.2018 for deferment of posting for one year, based on which, the 1st respondent deferred the posting upto 31.03.2019. The petitioner has submitted another representation dated 28.02.2019 particularly with reference to the fact his daughter is studying 10th std and she facing public examination in April 2020. The said request was regretted by the 4th respondent by its Office Order dated 09.08.2019. Therefore, the petitioner has again submitted a representation through Email to the 1st respondent on 10.09.2019 on the educational grounds of his daughter, since the same was not considered by the 1st respondent inspite of proposal forwarded by the respondents 2 to 4, the petitioner has preferred this Writ Petition.

4. Mr.G.Sankaran, learned counsel for the petitioner would submit that the petitioner's daughter namely K.S. Sathiya Sree is pursuing 10th standard and she will face the public examination in April'2020. The learned counsel further submitted based on the educational grounds, the petitioner may be permitted to reside in the same place and he will join the new place of posting after April 2020. In this regard, he has also filed the affidavit dated 23.10.2019 and the same has been forwarded for appropriate instructions from the respective authorities.

5. On the other hand Mr.V.Ashok kamal, learned counsel appearing for the respondents on instructions submitted that an earlier occasion the petitioner sought for transfer and the same was considered and his posting was deferred upto 31.03.2019 vide letter dated 05.09.2018 on ward education ground. The learned counsel has further submitted that before completion of deferment period, he again requested for cancellation of posting or deferment of posting upto March,2020 on the same ground, which cannot be considered by the authority.

6. In view of the submissions made by the learned counsels and considering the facts in the affidavit filed by the petitioner and circumstances of this case, I am inclined to permit the petitioner to join in the transferred placed during the 1st week of May 2020.

7. With the above observations and directions, the Writ Petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed. It is made clear that the liberty granted in this writ petition will not applicable to the other persons.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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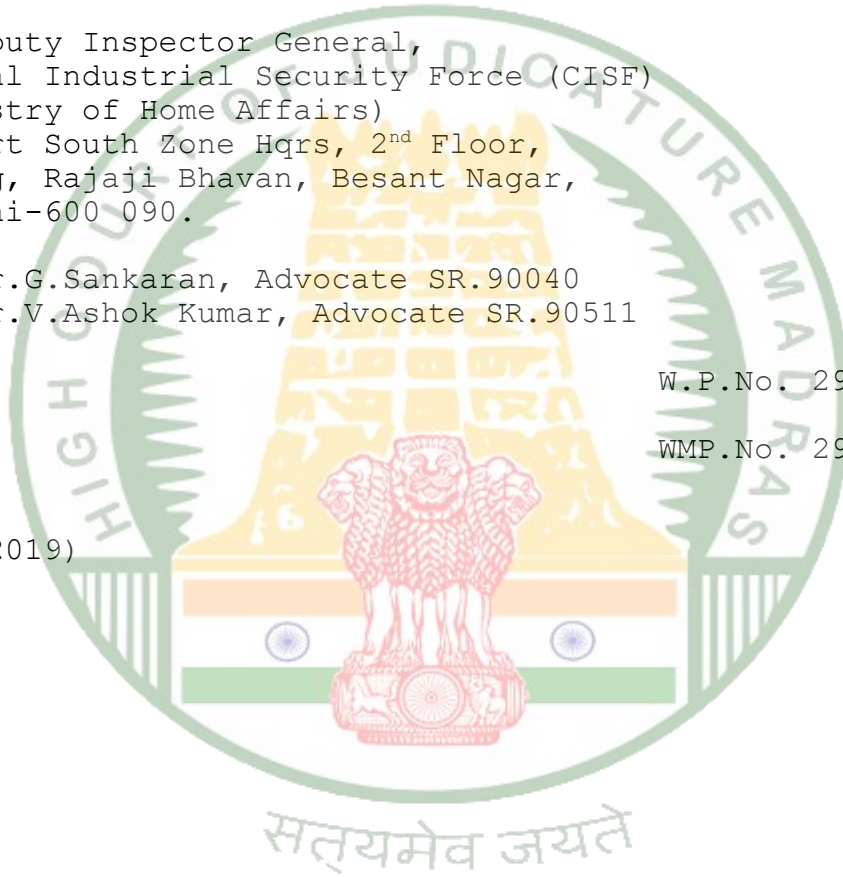
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+1cc to Mr.G.Sankaran, Advocate SR.90040
+1cc to Mr.V.Ashok Kumar, Advocate SR.90511

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SS (CO)
CB(02/12/2019)



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