

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.11155 of 2019

ORDER:

With the consent of both the counsel, this writ petition is being disposed of at the stage of admission.

This writ petition is filed seeking the following relief :-

“..... to issue an order, direction or writ more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent in so far as transferring the petitioner from Group Center, Hyderabad to 49 BN (J and K) alternative to the standing order No.4/ 2011 clause 9E is illegal, arbitrary, unjust and violation of the Article 21 of the Constitution of India, consequently direct the respondent Nos.2 to 5 to continue the petitioner at Group Center, Hyderabad .....”.

Heard Mr.M.Krishna Reddy, learned counsel for petitioner and the learned Standing Counsel for respondents 2 to 5.

It has been contended by the petitioner that presently he is working as Assistant Sub-Inspector in Group Center, CRPF, Hyderabad. He is suffering from obesity, hypertension and other ailments. The petitioner was subjected to medical examination by the competent Medical Board and he was categorized as P3.

Learned counsel appearing for the petitioner has contended that as per the Standing Orders of CRPF, the persons, who are suffering from major disability with limited physical capacity have to be entrusted with P-3 duties and the Medical Board has also certified that the petitioner is suffering from obesity and hypertension. He further submits that contrary to the Standing Orders, the respondents have

transferred the petitioner from Group Center, Hyderabad to 49 BN Jammu & Kashmir. The petitioner is challenging the said transfer order dated 04.04.2019 on the ground that once the Medical Board had certified that the petitioner is suffering from physical disability, the petitioner ought not to have been transferred to Jammu & Kashmir. Since the Jammu and Kashmir is a disturbed area, the petitioner is apprehending that entrustment of P3 duties may not be feasible basing on the recommendations made by the Medical Board. Therefore, the learned counsel for petitioner contended that the impugned transfer order is liable to be set aside as it is contrary to the Standing Orders issued by the CRPF.

Learned Standing Counsel appearing for respondents has contended that since the petitioner was subjected to medical examination by the competent medical board and the medical board has categorized that the petitioner is suffering from major disability with limited physical capacity and stamina and categorized that the petitioner be entrusted with P3 duties, every care would be taken for entrustment of P3 duties in view of the recommendations made by the Medical Board and the petitioner need not apprehend that he would not be entrusted with P3 duties. Further, in the interest of better administration only, the transfer orders have been issued transferring the petitioner from Group Center, Hyderabad to 49 BN Jammu and Kashmir. Since CRPF is a disciplined force, every member of the Force should obey the transfer order. Therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that the petitioner was transferred along with various other employees and the allegation of the petitioner that he may not be entrusted with P3 duties in view of the recommendations made by the Medical Board, which may not be feasible at this point of time, is only an apprehension. As per the Standing Orders, the respondents have to entrust P-3 duties to the petitioner in view of the recommendations made by the Medical Board. The petitioner is resisting the transfer order only on the apprehension that he may not be entrusted with P3 duties. Therefore, this Court is not inclined to interfere with the transfer order. However, it is made clear that the respondents shall ensure that the petitioner is entrusted with P-3 duties even in 49 BN Jammu & Kashmir by duly taking into account the recommendations made by the Medical Board.

With the above observations, the writ petition is dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILU

10.06.2019  
Prv

