Item No. 8

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.P. (C) No. 460 of 2018

Md Ziaul Haque, aged about 35 years, H/O Khatijan Begum, resident of Kiyam Leitanpok, P.O. & P.S. Thoubal, Thoubal District at present posting at B/2 Signal Bn CRPF, GC Langjing Imphal, having HC/RO No. 055150376.

…. *Petitioner*

Versus –

1. Union of India represented through its Home Secretary (Ministry of Home Affairs) North Block, New Delhi, Government of India. 110001.
2. The Director General of Police, CRPF, CGO Complx, Lodhi Road, New Delhi – 110003.
3. The IGP, Manipur and Nagaland Sector, Group Centre CRPF Langjing, Manipur. P.O & P.S. Lamphel, Imphel West District, Manipur. Pin 795113.
4. DIGP, GC, CRPF Langjing, Imphal, Manipur. P.O. & P.S. Lamphel, Impal West District, Manipur Pin 795113.
5. The Commandant 2nd BN, Hyderabad (T.S) Pin-500008.

.... *Respondents*

BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the petitioner	:	Mr. M. Devananda, Advocate
For the respondents	:	Mr. W. Darakishwor, Sr. panel Advocate
Date of hearing	:	18.08.2020
Date of judgment & Order	:	26.08.2020

JUDGMENT & ORDER
(CAV)

Mr. M Devananda, learned counsel appearing for the petitioner and Mr. W. Darakishwor, learned senior panel counsel appearing for the respondents.

[2] It is the case of the petitioner that he was posted as HC/RO in the 2nd Signal Bn at GC Langjing on 30.07.2014. While he was serving there a

Signal bearing No.T.IX-1/18 (SCP)-Adm dated 22.12.2017 was communicated to the OC B/2 Signal Bn giving warning of Summer Chain Posting, 2018 of the personnel's who have completed their normal tenure.

In the said Signal it was clearly mentioned that personnel requesting for retention of choice on compassionate ground may submit their request.

[3] As the name of the petitioner was included in the appendix annexed to the said Signal for Summer Chain Posting, the petitioner made a representation dated 10.01.2018 to the concerned authorities requesting for allowing him to continue for 1 (one) more year at B/2 Signal Bn for treatment of his ailing wife.

[4] The learned counsel for the petitioner submitted that there is a standing order No. 7 of 2015 laying down guidelines for transfer of Non Gazetted (Executive Technical/Tradesmen) Force Personnel including Mahila Personnel of the Central Reserve Police Force. In Para 04 (xvi) of the said standing order it is provided as under:-

> 04 (xvi) "However, the eligibility conditions as laid down above may be relaxed by one year in very deserving cases by Sector IGP in the following Circumstances:-
>
> (a) Sudden death of spouse or child
> (b) Transfer on medical grounds may be considered on merit in case one's spouse or child suffering from any of the following disease:-
>
> (i) Cancer
> (ii) Paralytic Stroke
> (iii) Renal failure
> (iv) Coronary artery disease, Thalassaemia

(v) Parkinson's disease
(vi) Motor-neuron disease
(vii) Infertility
(viii) Any other critical/serious disease if recommended by the board of medical officers / Composite Hospitals."

[5] The learned counsel for the petitioner further submitted that in view of the above conditions for relaxation of transfer condition for 1 (one) year as laid down in the said standing order No. 7 of 2015, the petitioner submitted his representation dated 10.01.2018 for allowing him to continue for 1 (one) more year at his present place of posting as the wife of the petitioner was suffering from major mental illness requiring constant care and supervision.

However, without at all considering such representation, the respondents issued the impugned transfer order dated 14.04.2018 transferring the petitioner from the present place of posting to 53 Bn at Baramulla in Jammu & Kashmir.

[6] Having been aggrieved, the petitioner again submitted a representation dated 20.04.2018 to the concerned authorities requesting for allowing him to continue at his present place of posting for 1 (one) year on account of treatment of his ailing wife, however, the said representation had been rejected by the authorities by an order dated 23.05.2018.

The present writ petition has been filed challenging the order dated 14.04.2018 transferring and posting the petitioner to 53 Bn at Baramulla in Jammu & Kashmir.

[7] Mr. W. Darakishor, learned senior panel counsel for the respondents submitted that as the petitioner has completed his normal tenure of posting, the impugned transfer order had been issued in a general and routine manner. It is also submitted by the learned counsel that transfer is an incident of service and the petitioner has no vested to continue in his present place of posting specially after he had completed 10 (ten) years of his posting.

The learned counsel accordingly submitted that the present writ petition without any merit and deserves to be dismissed.

[8] After hearing both the learned counsels and after perusal of the records, this Court found that by an interim order dated 04.06.2018 passed by this Court in the present case, the impugned transfer order dated 14.04.2018 had been stayed.

By virtue of the said interim order the petitioner has been continuing at his present place of posting for more than 2 (two) years, which is far in excess of the period of posting the petitioner had originally requested in his representation.

In such view of the matter, this Court is of the considered view that nothing remains to be decided in the present case and accordingly the writ petition is dismissed.

Interim order passed earlier stands vacated.

JUDGE

MAYANG LAMBAM CHANU NANDINI
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