

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2985 of 2020**

- Gladwin John S/o Shri E. I. John Aged About 55 Years Posted As Inspector/ G.C. Raipur/ CRPF Raipur, R/o 409 Near Samudayik Bhavan Dindayal Upadhyay Nagar, Sector 2 Raipur P.S.- Pt. Din Dayal Upadhyay Nagar Raipur, District- Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through Its Secretary, Ministry Of Home Affairs, North Block, Central Secretariat, New Delhi- 110001
2. Director General C.G.O. Complex Lodhi Road, New Delhi- 110001
3. The Inspector General C.G. Sector CRPF, Raipur, Chhattisgarh
4. The D.I.G. (Org) CRPF C.G.O. Complex, Lodhi Road, New Delhi- 110001
5. The D.I.G. C.G. Sector GC CRPF, Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Manoj Mishra, Advocate

For Respondents/UOI : Shri Bhupendra Singh, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****06/08/2020**

1. Heard.

2. Learned counsel for the petitioner would submit that the petitioner was transferred on 30.03.2019 from GC Raipur to 116 Batallion which is in Jammu & Kashmir, subsequently, he was not relieved on the ground of self treatment and education of the daughter. Thereafter, the petitioner was subjected to treatment and certain guidelines have been issued

that the petitioner shall not be placed under certain places because he is having Co-morbid illness. Vide Annexure P-3 these directions were issued despite that the petitioner has been transferred from Raipur to 116 Batallion i.e. in Jammu & Kashmir. He would further submit that the medical documents of the petitioner would show that since he is a Co-morbid patient, therefore, transfer of the petitioner to Jammu & Kashmir where the temperature is low, he may be exposed to more infections and may not get the proper medical treatment.

3. I have heard learned counsel for the petitioner and perused the documents. During the course of arguments, query was made that since how long the petitioner is posted at Raipur and it is stated that the petitioner is posted at Raipur since 2015. The transfer order has been challenged after a period of one year on the basis of the fact that the petitioner is relieved on 17.06.2020. It appears that the petitioner has already been accommodated for a considerable time and if the petitioner is suffering with any disease then certain guidelines have also been issued by Annexure P-3 that the petitioner may not be placed under the red zone of COVID-2019 infected areas and likewise. It is well settled law that the transfer of a Government Servant appointed to a particular cadre of transferable post from one place to the another is an incident of service, which cannot lightly be interfered with by Courts unless it is shown to be clearly arbitrary or visited by malafide or infraction of any prescribed norms of principles governing the policy of transfer which causes serious prejudice. The petitioner however, has

made a request that he has made the representation before the respondent No.2 i.e. the Director General, CRPF, C.G.O. Complex, Lodhi Road, New Delhi-110003 the same may be directed to be decided. Under the circumstances, it is directed that the respondent No.2 may consider the representation of the petitioner (Annexure P-5) within a reasonable time.

4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu