

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10748 OF 2019

Dated:13.02.2020

Between:

Const/WPR S. Jangaiah,
S/o. Late S. Mallesh, R/o.CISF
Unit, BHEL, Hyderabad

.. Petitioner

And

Union of India, rep., by the Director
General, Central Industrial Security Force
(CISF), CGO Complex, Block No.13,
Lodhi Road, New Delhi and others

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioner and Sri N. Rajeshwar Rao, learned standing counsel for the respondents.

2. Petitioner claimed to have joined service as Sweeper in the year 2000 and has rendered more than 18 years of satisfactory service. While he was working in TPC Kudgi in the State of Karnataka, he made representation seeking transfer to Hyderabad on the ground that his mother was suffering with kidney failure and his children are studying in 9th and 7th Standards with State syllabus at Hyderabad. Considering his request, he was posted to Hyderabad vide Movement Order dated 16.09.2017. While so, he was transferred out from Hyderabad in the year 2018. However, on appeal, the order of transfer was cancelled and petitioner was retained. By the order impugned, petitioner was again transferred and this time to Dhanbadh, in the State of Jharkhand. This Court stayed the Movement Order by order dated 31.05.2019 until further orders. The respondents filed counter and also vacate application to vacate the said order.

3. According to learned counsel for the petitioner, the petitioner's younger daughter is studying in 10th Standard; his mother's health condition is still critical; petitioner also met with an accident and he requires treatment regularly in Hyderabad. These are the parameters which are required to be considered while effecting transfer.

4. According to learned counsel for the petitioner, as per the Circular Instructions dealing with the transfers on the grounds of education and health, the employee should not be disturbed. Further, once posting is given at a particular station, employee should be retained at that station for a period of three years, whereas petitioner has not completed even two years before effecting transfer.

5. Learned standing counsel submits that as per the transfer policy, an officer/employee is required to work outside his parent/home sector atleast for five years and normally the employees are selected, when their age is between 42 and 45 years to post outside their parent/home sector. Having regard to the age of the petitioner, he was transferred to Dhanbadh. He would further submit that as the transfer in the year 2017 was on his request, the three years condition is not applicable and therefore there is no illegality.

6. At this stage, learned counsel for the petitioner submits that due to the health condition of the petitioner and his mother and education of his children, petitioner has decided to retire from Military Service on completion of 20 years and he will shortly complete 20 years service.

7. Having regard to these submissions, the Writ Petition is disposed of directing the respondents to continue the petitioner till May, 2020. If petitioner applies for retirement before May, 2020, that application may be considered objectively and pending consideration of the application, petitioner should not be disturbed. If no such application is made by the petitioner or his

application for retirement is not acceptable to the respondents, it is open to the respondents to take steps for transfer of the petitioner. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:13.02.2020

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