



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.03.2021**

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P. (MD)No.5659 of 2017**

**and**

**W.M.P (MD)No.4527 of 2017**

K.B.Girish

... Petitioner

Vs.

- 1.The Director General  
Railway Protection Force,  
Ministry of Railways,  
Rail, Bhawan, Railway Board,  
Raisina Road,  
New Delhi-110 001.
- 2.The Director General,  
Railway Protection Special Force,  
Railway Board, Rail Bhawan,  
New Delhi-110 001.
- 3.The Chief Security Commissioner,  
Southern Railway Headquarters,  
Railway Protection Force,  
Moore Market Complex,  
Park Town P.O., Chennai-600 003.
- 4.The Chief Security Commissioner,  
Railway Protection Special Force,  
Rail Bhawan, Railway Board,  
Raisina Road, New Delhi-110 001.
- 5.The Commanding Officer,  
5<sup>th</sup> Bn, Railway Protection Special Force,  
Kajamalai, Tiruchirapalli-620 023.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the plight of the petitioner and his family and transfer the petitioner from 5Bn/RPSF/Tiruchirapalli to the Railway Protection Force, Southern Railway/Trivandrum Division, in the light of Railway Board Order bearing No.2013/Sec(E)/TR-3/222 Misc. dated 27.01.2014 forthwith.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.J.Maria Roseline  
For Respondents : Mr.S.Manohar

**O R D E R**

This Writ Petition is filed for a direction to the respondents to consider the plight of the petitioner and his family and transfer the petitioner from 5Bn/RPSF/Tiruchirapalli to the Railway Protection Force, Southern Railway/Trivandrum Division, in the light of Railway Board Order bearing No.2013/Sec(E)/TR-3/222 Misc. dated 27.01.2014 forthwith.

2.The case of the petitioner is that he was appointed as a Constable in the Railway Protection Special Force, on 30.06.2006 and he was posted with 1<sup>st</sup> Bn/RPSF/Lumding/Assam and subsequently, he was transferred to Lucknow in March 2008 and again, he was transferred to Delhi. While so, the petitioner has made an application seeking transfer from Delhi to Trivandrum on the ground that his mother is suffering from cancer and taking treatment in Trivandrum Hospital. Since the said application was not considered, the petitioner has filed a Writ Petition in W.P(C)No.3654 of 2013 before the High Court of Delhi. The said Writ Petition was disposed of, vide order dated 19.11.2013, directing the respondent to consider the petitioner's representation, in the light of the policy, dated 02.02.2010. However, no order was passed. Hence, the petitioner filed a contempt petition. Pursuant to the filing of the contempt petition, the petitioner was transferred from Delhi to Tiruchirapalli.

3.The grievance of the petitioner is that originally he made a request for transferring from Delhi to Trivandrum, since the petitioner's wife is residing at Trivandrum and his mother is taking cancer treatment in Trivandrum hospital. However, he was transferred from Delhi to Tiruchirapalli. Hence, the petitioner has made a representation, dated 05.11.2015 to the respondents. So far no order has been passed. Hence, the present writ petition is filed.

4.The learned counsel appearing for the petitioner submitted that this Court may permit the petitioner to make a fresh representation seeking transfer from Tiruchirapalli to Trivandrum, on humanitarian grounds and if such representation is received, the respondents may pass appropriate orders within the stipulated time as fixed by this Court.

5.The learned counsel appearing for the respondents submitted that he has no serious objection for considering the petitioner's representation.

6.Considering the limited request made by the learned counsel for the petitioner, this Court grants liberty to the petitioner to make a fresh representation within a period of two weeks from the date of receipt of a copy of this order. If such representation is



received, the third respondent is directed to consider the said representation and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks therefrom.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

/True copy/

Sd/  
Assistant Registrar(Records)

/ /2021  
Sub Assistant Registrar(CS- )

To

1. The Director General  
Railway Protection Force,  
Ministry of Railways,  
Rail, Bhawan, Railway Board,  
Raisina Road, New Delhi-110 001.
2. The Director General,  
Railway Protection Special Force,  
Railway Board, Rail Bhawan,  
New Delhi-110 001.
3. The Chief Security Commissioner,  
Southern Railway Headquarters,  
Railway Protection Force,  
Moore Market Complex,  
Park Town P.O., Chennai-600 003.
4. The Chief Security Commissioner,  
Railway Protection Special Force,  
Rail Bhawan, Railway Board,  
Raisina Road, New Delhi-110 001.
5. The Commanding Officer,  
5<sup>th</sup> Bn, Railway Protection Special Force,  
Kajamalai, Tiruchirapalli-620 023.

+1CC to M/s.J.MARIA ROSELINE, Advocate (SR-11658[F] dated 17/03/2021  
+1 CC to M/s.S.MANOHAR, Advocate ( SR-12050[F] dated 18/03/2021 )

W.P. (MD)No.5659 of 2017  
and  
W.M.P (MD)No.4527 of 2017  
16.03.2021

NS

PK/29.03.2021 : 3P/8C

<https://hcservices.ecourts.gov.in/hcservices/>