



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

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THE HON'BLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.No.26938 of 2022
and WMP. Nos.26142 & 26143 of 2022

I.Moses Rajan

... petitioner

-Vs-

1. The Deputy Inspector General of Police (Establishment),
Office of the Directorate General,
Central Reserve Police Force (CRPF),
Block No.1, CGO Complex,
Lodhi Road, New Delhi-1.

2. The Principal/
Deputy Inspector General of Police,
Central Reserve Police Force (CRPF),
Recruits Training Centre (RTC),
Avadi, Chennai-600 055.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus call for the records relating to the impugned order of the first respondent in order No.01/ 2022-PER-DTE- P2DA23- PER- DG, dated 15.07.2022 and the consequential order issued in No.T.IX-33/ 2022- Estt- DA -7 dated 29.09.2022 and quash the same in so far as the petitioner is concerned and direct the first respondent to retain him in the present station itself namely Chennai for a period of one year as enumerated in the Central Reserve Police Force Standing Order No.07/15 dated 04.08.2015.



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For petitioner : Mr. P.Manoj Kumar

For Respondents : Mr. K.Subbu Ranga Bharathi, CGSC

ORDER

The petitioner has challenged the impugned transfer order dated 15.07.2022 issued to him and also the consequential order dated 29.09.2022. The petitioner has been transferred from Avadi in Chennai to Jammu and Kashmir under the impugned transfer order.

2. The petitioner has pleaded that due to his mother's heart treatment, he is unable to join duty at the place of transfer as per the impugned transfer order. A counter affidavit has also been filed by the respondents denying the allegations of the petitioner made in the affidavit filed in support of the writ petition. They would contend that the petitioner has been working at Avadi for the past four years and two months. According to respondents, Avadi is a peace station and as per the transfer policy of the respondents, the petitioner cannot be retained at Avadi for more than three years. According to them, there is no malafides on the part of the respondents to transfer the petitioner to Jammu and Kashmir, but the impugned transfer order has been issued only for administrative reasons.



3. The petitioner is working in the Central Reserve Police Force (CRPF) as a Constable. The petitioner knows that under the CRPF, he has to be posted in different locations in India including tough terrains and the CRPF cannot be equated with other organization. The petitioner opted for a job in the CRPF only after coming to know that he will be posted in different locations in India which includes the border areas and difficult terrains.

4. Admittedly, the petitioner has been retained at Avadi Station, which is a peaceful station, for more than four years. The only grievance of the petitioner for challenging the impugned transfer order under which he has been transferred from Avadi to a place in Jammu and Kashmir is that due to his mother's heart ailment, he will not be in a position to join duty at Jammu and Kashmir for the present.

5. As observed earlier, the petitioner has joined employment as a Constable with the CRPF knowing fully well that he will be posted at various places in India including border areas and other difficult terrains. The petitioner has already been working at Avadi Station for more than four years. The transfer policy of the respondents has also been filed in the typed set of documents. As per the transfer policy, as seen from clause – 4 (viii), it is clear that *the normal tenure in field*



station is 4 years and for hard field area/SOZ, Static and Peace stations it is 3 years.

6. In the case on hand, the petitioner has been working at Avadi which is a peace station for more than four years beyond the stipulated period of three years as per the transfer policy of the respondents. The petitioner has also not been able to establish as seen from the affidavit filed in support of this writ petition that the respondents with malafides have issued the impugned transfer order. The only contention raised by the petitioner for quashing of the impugned transfer order is that due to his mother's heart ailment which requires his immediate attention, he is not in a position to go over to Jammu and Kashmir to join duty there. As observed earlier, being a Constable, the reason given by the petitioner cannot be accepted by this Court, as the petitioner knows fully well, even at the time of joining employment with the CRPF that he will be posted in different locations all over India including the border areas as well as difficult terrains.

7. The learned Standing Counsel appearing for the respondents has also relied upon various decisions of this Court wherein also a similar relief that has been sought for in this writ petition was rejected as the transfer order was not issued with



a malafide intention. This Court does not find any merit in the writ petition and accordingly, the writ petition is dismissed.

8. The learned counsel for the petitioner would submit that liberty may be granted to the petitioner to submit a representation to the respondents requesting for retaining him at Avadi, atleast for a period of three months. No prejudice would be caused to the respondents if such a liberty is granted. The respondents shall consider the same and pass orders, on merits and in accordance with law, within a period of two weeks, on receipt of such a representation. However, it is made clear that this direction is given only on sympathetic consideration and not on any legal grounds. No costs. Consequently, connected miscellaneous petitions are closed.

21.12.2022

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No



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ABDUL QUDDHOSE, J.

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To

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Office of the Directorate General,
Central Reserve Police Force (CRPF),
Block No.1, CGO Complex,
Lodhi Road, New Delhi-1.

2. The Principal/
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