



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM :

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.27960 OF 2017

AND

W.M.P.NOS.30008 AND 30009 OF 2017

A.M.Rajasekaran

...Petitioner

Vs

1.The Inspector General of Police (Personnel),
Office of Directorate General,
Central Reserve Police Force,
Block No. 1, CGO Complex,
Lodhi Road,
New Delhi - 110 003.

2.The Deputy Inspector General of Police (Establishment),
Office of Directorate General,
Central Reserve Police Force,
Block No. 1, CGO Complex,
Lodhi Road,
New Delhi - 110 003.

3.The Deputy Inspector General/ Principal,
Recruit Training Centre, Group Centre,
Central Reserve Police Force,
Avadi, Chennai - 600 065.

...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the First Respondent in No. T.IX-12/2017-Estt-DA-3 dated 22.09.2017 and quash the same and direct the Respondents to rehabilitate the Petitioner by providing lighter duty at Chennai so as to enable him to continue the medical treatment as enumerated in the Central Reserve Police Force Standing Order No. 04/2011 dated 27.07.2011.

For Petitioner : Mr.J.Lakshmi Narayanan

For Respondents : Mr.N.Ramesh



O R D E R

Heard Mr. J.Lakshmi Narayanan, Learned Counsel for the Petitioner and Mr. N.Ramesh, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, while working as CT/Driver in Central Reserve Police Force, was transferred from Avadi to Vishakhapatnam by Order No. T.IX-12/ 2017-Estt-DA-3 dated 22.09.2017 passed by the First Respondent, which is challenged in this Writ Petition.

3. This Court at the time of admission on 02.11.2017, this Court had passed the following self-explanatory order:-

" The Medical Certificate issued to the Petitioner says that he had undergone Double Valve Replacement for Multi Valvular Disorder of the Heart with Infective Endocarditis on 14.06.2013 and he has been advised to be on life long medication and to take low salt and restricted fluid in time. The Medical Certificate further says that he has to be under the regular supervision of the Cardiologist. Further, the Review Medical Board, 2016 May also says that he is under CAT category i.e. Low Medical Category. While so, he has been transferred from Avadi to Visakapatinam.

2. Notice to the respondents returnable in three weeks. Private Notice is also permitted. Post after 3 weeks. In the meanwhile, the Respondents are directed to maintain status-quo as on today."

It is evident that in view of that interim order, the Respondents could not give effect to the impugned order in this Writ Petition.

4. The legal position is well established as held by the Hon'ble Supreme Court of India in Union of India -vs- S.L.Abbas [(1993) 4 SCC 357] that an order of transfer is an incident of service and unless it is vitiated by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it.

5. Having due regard to the fact that a period of more than four years have lapsed from the time of passing of the impugned order, it is improbable that the same circumstances that then existed still continues. In that backdrop, there does not appear to be any useful purpose served by venturing into the task of testing the validity of the impugned order viz-a-viz the aforesaid legal position at this distance of time. Viewed from



that perspective, it is made clear that the concerned authorities are not precluded from taking any fresh decision as the exigencies may require regarding the place of posting of the Petitioner in accordance with law and till then, the status quo as prevailing today shall be in force.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

skr

To

- 1.The Inspector General of Police (Personnel),
Office of Directorate General,
Central Reserve Police Force,
Block No. 1, CGO Complex,
Lodhi Road, New Delhi - 110 003.
- 2.The Deputy Inspector General of Police (Establishment),
Office of Directorate General,
Central Reserve Police Force,
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- 3.The Deputy Inspector General/ Principal,
Recruit Training Centre, Group Centre,
Central Reserve Police Force,
Avadi, Chennai - 600 065.

+1cc to M/s.J.Lakshmi Narayanan, Advocate Sr.No.37544

+1cc to N.Ramesh, Advocate Sr.No.38156

W.P.No.27960 of 2017

SR-II(CO)

RVM(28/06/2022)