



WEB COPY



WP.No.13741 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.13741 of 2022
and W.M.P.Nos.13035 & 13036 of 2022

Leela Devi.N

.. Petitioner

Versus

1.The Director General
Central Reserve Police Force (CRPF)
Kendriya Karyalay Parisar
Lodhi Road, New Delhi – 110 003

2.The Inspector General of Police
Karnataka-Kerala Sector (KKS)
Central Reserve Police Force (CRPF)
Group Centre, Doddaballapur Road
Yelahanka, Bengaluru, Karnataka – 560 064

3.The Commandant
77 Battalion, Central Reserve Police Force (CRPF)
Poonamallee, Chennai – 600 056

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in No.T.IX.41/2022-KKS-Adm-II dated 13th May 2022, quash the same and direct the respondents to post the petitioner at any of the offices/establishments of CRPF located at Chennai for one complete tenure.

For Petitioner : Mr.P.Mohanraj

For Respondents : Mrs.Anuradha
Standing Counsel



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ORDER

This writ petition has been filed challenging the proceedings in No.T.IX.41/2022-KKS-Adm-II dated 13th May 2022 issued by the second respondent, quash the same and consequently direct the respondents to post the petitioner at any of the offices/establishments of CRPF located at Chennai for one complete tenure.

2. It is the case of the writ petitioner that she joined service as Head Constable in the Central Reserved Police Force on 30.01.2006. Thereafter, she was transferred to several places and she obeyed such transfer orders. It is her grievance that her matrimonial life is not peaceful and her husband left her in the year 2019. Since then she is taking care of two daughters, of which, the elder daughter met with an accident in the year 2017 and sustained injuries. Further, her elder daughter is pursuing NEET course at Chennai, which requires her active support. While so, during the year 2021, she received an order of transfer to Group Centre, Bhubaneswar, hence, she made a representation on the ground of educational and medical care of her daughter, which was considered and she was retained in the present station, i.e., at Chennai till 31.03.2022. Further, on account of her family situations, she made a representation on 26.02.2022 seeking for furthermore retention at Chennai, which was subsequently rejected vide the impugned order. Challenging such



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rejection order, this writ petition.

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3. It is the contentions of the respondents in the counter that the petitioner was posted in Group Centre, CRPF, Avadi, Chennai from 29.06.2010 to 27.10.2014. After completion of her normal tenure, she was to be transferred out from 3rd respondent office during Summer Chain Transfer (SCT)-2021. The petitioner submitted an application dated 10.03.2021 requesting to post her to Chennai based CRPF Offices or to retain her in the 3rd respondent office itself for a period of 1 year on the grounds of her family issues/daughters education etc. The request of the petitioner was considered favourably by the Department and she was retained in the 3rd respondent office for a period of 1 more year, i.e., till Summer Chain Transfer-2022.

4. Again, she has given a representation on 26.02.2022 seeking for retention in the same place. However, the medical certificates filed by the petitioner indicated that it belonged to her elder daughter pertaining to the year 2017-2018 and no recent medical documents were produced. Hence, her request was rejected and she is posted to Group Centre, CRPF, Bhubaneswar. Out of 16 years of service, the petitioner remained posted 9 years in Chennai which is more than 50 percent whereas the deployment of CRPF is all over



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India. Earlier, the petitioner filed a writ petition in W.P.No.7043 of 2022 for considering the representation for retention, this Court vide order dated 29.03.2022 directed the respondents for considering the representation. In compliance to the same, the representation has been considered and an Order is passed dated 13.06.2022. Hence, it is submitted that the transfer order is passed as per the Rules.

5. Heard both sides and perused the materials placed on record.

6. Admittedly, the facts of the present case are not in dispute. The very relief sought in the writ petition is the quashment of transfer proceedings. On perusal of the records, it appears that the petitioner has worked for more than 9 years in Chennai. Further, her requests had already been considered and given posting for one year which has also expired in the year 2022. Thereafter, she has challenged the transfer order merely on the ground that her daughter is pursuing education in Chennai. It is relevant to note that when a person joined in Uniform Services, only on certain exceptional grounds, they can seek reconsideration of transfer. When the petitioner's request had already been considered and granted one year extension, the petitioner, as a matter of right cannot seek such retention on the ground of education.



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WEB COPY 7. Now, she has been posted to Bhubaneswar, which is also one of the main city. Therefore, since, transfer being incidental of service, one cannot squat on the same place and allege that the Order has to be set aside. As there is no malafide and punitive in nature established to set aside the transfer order, I do not find any merits of the case.

8. However, it is made clear that let the petitioner join in the new station and thereafter, she shall make representation to the authorities concerned. On such representation, the authorities shall decide the representation on its own merits and in accordance with law.

9. In view of the above, this writ petition stands dismissed. Consequently connected miscellaneous petitions are closed. No costs.

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Internet: Yes/No

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Neutral Citation: Yes/No

N.SATHISH KUMAR, J.



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To

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