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W.P.No.20613 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.20613 of 2022
and
W.M.P.No.19743 of 2022

Sarath Babu

... Petitioner

Vs.

- 1.The Director General,
CRPF, CGO Complex,
Lodhi Road,
New Delhi – 110 003.
- 2.The Deputy Inspector General Police,
Signal Range, CRPF,
HC Block Sector-III,
Salt Lake, Kolkota,
West Bengal – 700 106.
- 3.The Commandant,
2nd Signal Battalion,
GC Campus, CRPF,
Keshovgiri,
Hyderabad – 500 005.
- 4.The Commandant,
1st Battalion, CRPF,
Jharoda Kalan,
New Delhi – 110 072.



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5.The Commandant,
77 Bn, CRPF,
Special Jail Complex,
Poonamallee,
Chennai – 600 056.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to order dated 8.07.2022 issued by the 1st Respondent in proceedings No. 1/2022- COMM- DTE- CDA-14- COM-DG transferring the petitioner from 2 Signal Bn Platoon at 77 Battalion, CRPF, Poonamallee, to 1st Signal Battalion at New Delhi and quash the same in so far as petitioner concerned and directing the 5th respondent to allow him to continue in 77 Battalion, CRPF, Poonamallee till completion of his normal tenure of 3 years as he reported on transfer from hard area Sukhma, Chattisgarh.

For Petitioner : Mrs.Rita Chandrasekar
for M/s.R.Meenakshi

For Respondents : Mr.S.Diwakar
Senior Panel Counsel

ORDER

This writ petition has been filed challenging the order of the 1st respondent, dated 08.07.2022, transferring the petitioner from 2 Signal Bn Platoon at 77 Battalion, CRPF, Poonamallee, to 1st Signal Battalion at New Delhi and to direct the 5th respondent to allow the petitioner to



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continue in 77 Battalion, CRPF, Poonamallee, till completion of his normal tenure of 3 years, as he reported on transfer from hard area Sukhma, Chattisgarh.

2.The petitioner states that he was appointed as Constable (General Duty) on 03.03.2003 in Central Reserve Police Force (CRPF). Consequent to his success in the departmental test for the post of Head Constable/Crypto during the year 2007, the petitioner went for training at CTC-T-IT, Ranchi, Jharkhand. Thereafter, he was posted to 4th Signal Bn and further, posted to 2 Signal Battalion. Though he was posted in Signal Battalion, he served in duty Battalions deployed at various places in the country as follows :

Sl. No.	From	To	Unit/Office	Place
1.	24.03.2003	22.05.2004	143 Bn	Basic Training at Pallipuram, Kerala.
2.	22.05.2004	15.01.2007	143 Bn	Sunderbani (J&K)/Kashmir
3.	15.01.2007	26.07.2007	CTC-T-IT	Ranchi Jharkhand
4.	26.07.2007	22.07.2014	4 th Signal	Nimach(MP)/New Delhi/Gujarat/Bawana (New Delhi)/Jharkhand
5.	22.07.2014	22.12.2014	2 Signal Bn	Hyderabad
6.	22.12.2014	01.06.2018	2 Signal Bn	Peringom (Kerala)
7.	01.06.2018	24.08.2021	2 Signal Bn	Sukma (Chattishgarh)
8.	24.08.2021	Till date	2 Signal Bn	77 Bn, CRPF at Poonamallee, Tamil Nadu



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The petitioner reported in 77 Battalion, CRPF, Poonamallee, during the month of August, 2021, on transfer from Sukhma (Chattishgarh). On reporting, he applied for outliving permission to keep his family outside the campus for his father's treatment and the same was granted to the petitioner vide Office Order No.18/2021-QM(G)-QM1-STR-077 Bn, dated 13.11.2021, by the 5th respondent. The petitioner brought his family from home town, i.e., from Kerala, and settled near his Battalion Headquarters at Poonamallee, Chennai, and he admitted his son in IV Standard in Sudharsan Vidhyadarshan School, Avadi, during the month of December, 2021. The petitioner has completed only 10 months tenure at Poonamallee, Tamil Nadu, however, according to the norms, the tenure of posting is 3 years, but he has been transferred to 1st Signal Battalion, CRPF, New Delhi. In this regard, a representation has also been given by the petitioner, however, the same has not been considered. Hence, the writ petition has been filed.

3.It is the contention of the petitioner that the respondents have failed to note the Standing Order No.07/2015. As per the above Standing Order, normal tenure in field station is 4 years and for hard field area/SOZ, static and peace stations is 3 years, whereas, the petitioner has completed



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only 10 months in Poonamallee. As per the above Standing Order, the petitioner should not be transferred out prematurely and should be allowed to complete the tenure, except in exceptional cases with consent from Directorate. Hence, the transfer order has been challenged in this writ petition.

4. In the counter affidavit filed by the respondents, it is stated that the petitioner was posted to Signal Platoon of Recruit Training Centre (RTC), CRPF, Peringome, Kerala, w.e.f. 22.12.2014 to 31.05.2018, i.e., 3 years, 5 months and 11 days. After completion of his tenure in RTC, CRPF, Peringome, he was posted to 217 Bn, Signal Platoon, Sukma, Chattisgarh, in Summer Chain Posting-2018, vide 3rd respondent's Office Signal No.T.IX-1/2018(SCP)-2 Sig, dated 11.04.2018. After completion of 3 years tenure in 217 Bn, as per 3rd choice submitted by the petitioner, he was further posted to 77 Bn, CRPF, Chennai, Tamil Nadu, Signal Platoon in Summer Chain Posting-2021. Thereafter, the petitioner was posted in 5th respondent Office w.e.f. 24.08.2021 to 17.08.2022. After completion of 7 years, i.e., 2 postings, 4 years in hard/field units and 3 years in static/soft units/Coy signal Platoon of normal tenure in 3rd respondent Office, the petitioner has been transferred to 1st Signal Bn,



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New Delhi in Summer Chain Transfer-2022, issued by the IG (Comn & IT), Directorate, New Delhi, vide PPMS Office Order No.01/2022-Comn-Dte-CDA14-Com-DG, dated 08.07.2022.

5.It is the contention of the respondents that, as per Standing Order No.11/2002 relating to transfer of Non-Gazetted Signal Personnel (upto the rank of Inspectors), the Signal Personnel should invariably be posted to a field unit in operational area. They will not be kept at static sub-units or Group Centres as far as possible. So, all personnel will be rotated during Summer Chain Transfers, so that they get equitable opportunity to serve in soft/static locations. The tenure of an individual in a field unit will be 4 years. Thereafter, the individual shall be posted to a static unit for 3 years. The tenure in a Signal Battalion will be 7 years. Since the petitioner has completed 7 years tenure in the 3rd respondent Office, in which he was posted in static location (i.e, Hyderabad, Peringome (Kerala) and Chennai) for more than 4 years and posted in hard area (i.e., Sukma, Chattisgarh) for 3 years, the petitioner has been transferred to the 4th respondent Office in Summer Chain Transfer-2022 by the IG (Comn & IT), Directorate, New Delhi, vide PPMS Office Order No.01/2022-Comn-Dte-CDA14-Com-DG, dated 08.07.2022. Hence, the



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respondents oppose the writ petition.

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6.The main contention of the learned counsel for the petitioner is that, as per Standing Order No.07/2015, normal tenure in field station is 4 years and for hard field area/SOZ, static and peace stations, the tenure is 3 years, whereas, the petitioner has completed only 10 months in Poonamallee. According to the learned counsel for the petitioner, the petitioner should not be transferred out prematurely and should be allowed to complete the tenure except in exceptional cases with consent from Directorate. Further, whenever, any transfer is ordered prematurely, i.e., prior to the completion of normal tenure, reasons justifying the premature transfer shall be mentioned in the transfer order. According to the learned counsel for the petitioner, the impugned transfer is against the Standing Order. Therefore, the learned counsel submitted that the impugned order is liable to be set aside. In support of his submissions, the learned counsel placed reliance on the judgment of this Court in ***Durai Murugan v. The Director General, CRPF, New Delhi and others [W.P.No.15430 of 2019 dated 11.12.2019]***.



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7. *Per contra*, learned Senior Panel Counsel appearing for the respondents, would submit that the petitioner is working in Signal Battalion and therefore, only Standing Order No.11/2002 alone is applicable to him. The Signal Personnel should invariably be posted to a field unit in operational area. They will not be kept at static sub-units or Group Centres as far as possible. So, all personnel will be rotated during Summer Chain Transfers, so that they get equitable opportunity to serve in soft/static locations. The tenure of an individual in a field unit will be 4 years. Thereafter, the individual shall be posted to a static unit for 3 years. The tenure in a Signal Battalion will be 7 years. Since the petitioner has completed 7 years tenure in the 3rd respondent Office, in which he was posted in static location and hard areas, the petitioner has been transferred to the 4th respondent Office in Summer Chain Transfer-2022. Hence, it is the contention of the learned Senior Panel Counsel that the transfer has been effected only as per the Standing Order governing the petitioner.

8. Heard the learned counsel on either side and perused the entire materials available on record.



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9. In the light of the submissions made by the learned counsel on either side, the issue that arises for consideration is whether the impugned transfer order passed by the 1st respondent is against the Standing Orders.

10. The writ petition has been filed mainly on the ground that there is violation of Standing Order No.07/2015, stating that the petitioner has been transferred prematurely. Standing Order No.07/2015 relates to the transfer of Non-Gazetted (Executive/Technical/Tradesmen) Force Personnel including Mahila Personnel. Clause 2 of the Standing Order No.07/2015 makes it clear that it is governing the changeover of non-technical personnel of Signal Range to executive Battalions and *vice-versa*. Whereas, the Standing Order No.11/2002 deals with transfer of Non-Gazetted Signal Personnel (upto the rank of Inspectors). Clause 7(a) of the Standing Order No.11/2002 makes it clear that Signal Battalions will forward names of personnel who complete 7 years of service every year to Communication Directorate for considering their transfer within the Signal Range. The above Standing Order No.11/2002 makes it clear that the signal personnel's tenure is 7 years. After completion of 7 years, they will be transferred. Clause (3) of Standing Order No.11/2002 makes



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it clear that newly recruited, remustered Signal personnel should invariably be posted to a field unit in operational area. They will not be kept at static sub-units or Group Centres as far as possible. All personnel will be so rotated during Summer Chain Transfers, so that they get equitable opportunity to serve in soft/static locations. The tenure of an individual in a field unit will be 4 years. Thereafter, he shall be posted to a static unit for 3 years. Clause (3) also makes it clear that the tenure in a Signal Battalion will be 7 years.

11.It is seen that the petitioner has been posted for more than 4 years in static areas, i.e., Hyderabad, Peringom (Kerala) and Chennai. The petitioner has worked in Hyderabad from 22.07.2014 to 22.12.2014 in 2 Signal Bn and thereafter, he was posted to 2 Signal Bn in Peringom (Kerala) from 22.12.2014 to 01.06.2018. Thereafter, the petitioner has been posted to 2 Signal Bn in 77 Bn, CRPF at Poonamallee, Chennai on 24.08.2021 till the transfer order has been passed. The above postings make it clear that the petitioner has been posted in static/soft areas for more than four years. As far as hard area is concerned, the petitioner was posted in hard area, i.e., Sukma (Chattisgarh) from 01.06.2018 to 24.08.2021, i.e., for 3 years. Therefore, only after completing 7 years,



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now, the petitioner has been transferred to 1st Signal Battalion at New Delhi.

12. Therefore, this Court is of the view that, when the Standing Order No.11/2002 is very clear stating that the tenure of a personnel in Signal Battalion is 7 years and the impugned transfer has been made on the basis of the said Standing Order No.11/2002 governing the personnel of disciplined force, now, the same cannot be challenged merely on the basis of some inconvenience. The petitioner contests this writ petition on the basis of Standing Order No.07/2015, whereas, Standing Order No.11/2022 is only applicable to the Signal Personnel, including the petitioner.

13. The judgment relied upon by the learned counsel for the petitioner in *W.P.No.15430 of 2019 (supra)* cannot be applied to the facts of the present case, since the said writ petition is relating to Standing Order No.07/2014 dated 24.11.2014.

14. Therefore, when the Disciplined Force have their own set of Rules and even as per their Rules and Standing Orders governing and



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applicable to the petitioner, i.e., Standing Order No.11/2002, the tenure in Signal Battalion is 7 years and the petitioner has also completed more than 7 years in a Signal Battalion and only thereafter, now, transfer has been effected to another Battalion, this Court is of the view that such transfer cannot be interfered with.

15. Therefore, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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New Delhi – 110 003.

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