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W.P.No.24287 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.24287 of 2023

and

W.M.P.No.23745 of 2023

M.Rati Verma

... Petitioner

Vs.

1.The Additional Director General,
Central Industrial Security Force (CISF)
Airport Head Quarters Sector,
New Delhi.

2.The Inspector General,
Airport Sector, CISF,
South Sector, Head Quarters,
Chennai – 600 001.

3.The Deputy Inspector General,
Central Industrial Security Force (CISF)
Airport Sector, Meenambakkam,
Chennai.

4.The Inspector General,
Central Industrial Security Force (CISF)
CISF Complex Industrial Force,
South West Head Quarters,
(Airport Sector-II)
M.Visvesvaraiya Industrial Road,
Bangalore – 562 157.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 3rd respondent to consider the petitioner's representation, dated 29.05.2023, by contemplating the petitioner's family situation and health issues.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.M.Ramamoorthy
Central Government Senior Panel Counsel

ORDER

This writ petition has been filed to direct the 3rd respondent to consider the petitioner's representation, dated 29.05.2023, by contemplating the petitioner's family situation and health issues.

2.The petitioner states that she is currently working as Inspector/Executive at Central Industrial Security Force (CISF) at Meenambakkam (Airport Sector), Chennai. The petitioner states that her husband is totally blind and he is working at Chennai and their son is studying VIII Std. at Chennai. The petitioner further states that she had undergone a major surgery of Laparoscopic Cholecystectomy Adgesiosysis and Peritoneal Lavage in heart on 11.01.2023 and is regularly taking



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medication. While so, it is the grievance of the petitioner that the respondents are indulged in actions of transferring the petitioner from Chennai to Bengaluru. The petitioner states that, in this regard, she has submitted a representation to the respondents on 29.05.2023 requesting one year deferment of transfer. Since the same was not considered, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner.

4.Mr.M.Ramamoorthy, learned Central Government Senior Panel Counsel, who takes notice for the respondents, on instructions, submitted that the petitioner alone has not been transferred, but more than 200 persons have been transferred, and that the petitioner has served for more than five years in the same place. The learned counsel further submitted that, as per the Guidelines for Posting/Transfer of CISF Personnel, the tenure is three years. Whereas, the petitioner has served for more than five years in Chennai itself. Therefore, the learned counsel submitted that the writ petition is liable to be dismissed.



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5.It is seen that the CISF Personnel are covered by the Guidelines for Posting/Transfer. On a perusal of the transfer order dated 28.04.2023, produced before this Court, it is clear that, not only the petitioner, but also more than 200 personnel have been transferred. The petitioner, having served at the same place for more than five years, cannot seek retention at the same place as a matter of right, merely on the basis of health grounds. She has now been transferred to Bengaluru, where also, medical facilities are available. Further, Section 15 of the Central Industrial Security Force Act, 1968, provides that every member of the Force is liable to be posted at any place inside or outside India. In such view of the matter, the petitioner cannot have a better right to seek a mandamus directing the respondents to retain her in the same place.

6.Therefore, I do not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

7.The petitioner is directed to join the new place within a period of two weeks from the date of this order. The respondents shall permit the



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petitioner to join duty in the new place, by extending the joining time

accordingly.

17.08.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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N. SATHISH KUMAR, J.
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