



WEB COPY



W.A.No.2498 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.09.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.A.No.2498 of 2023
and
C.M.P.No.20809 of 2023

M. RATI VERMA,
W/o. Mr. Murugan, H.NO.72/73,
No.3/621, Baaz Avenue, ECR Road,
Palavakkam, Chennai-600 041.

.. Appellant

Vs.

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

2.The Inspector General,
Ariport Sector, CISF, South Sector,
Head Quarters, Chennai-600 001.

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



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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

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 17.08.2023 passed in W.P.No.24287 of 2023 on the file of this Court.

For Appellant : Mr.V.Arunagiri

For Respondents : Mr.M.Ramamurthi
Senior Panel Counsel

JUDGMENT

[Judgement of the Court was delivered by R.MAHADEVAN, J.]

This writ appeal has been filed by the appellant challenging the order dated 17.08.2023 passed by the learned Judge in W.P.No.24287 of 2023.

2. It is the case of the appellant that she was appointed as Sub Inspector on 23.12.2006 by direct recruitment and was posted at Airport Section at Central Industrial Security Force (CISF), Chennai. Thereafter, she



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was promoted as Inspector / Executive on 23.06.2018 and is now, working at Central Industrial Security Force (CISF) at Meenambakkam (Airport Sector), Chennai. While so, the first respondent issued an order dated 28.04.2023 transferring the appellant from Chennai to Bengaluru, aggrieved by which, she sent a representation dated 29.05.2023 to the authorities requesting to one year deferment of transfer, stating that her husband is totally blind and he is working at Chennai and that, their son is studying VII standard at Chennai and that, she had undergone a major surgery of Laparoscopic Cholecystectomy Adgesiosis and Peritoneal Lavage in heart on 11.01.2023 and is taking regular medication. Her representation was not considered and hence, the appellant preferred WP.No.24287 of 2023, which was dismissed by the writ court, by the order impugned herein.

3. The learned counsel appearing for the appellant submitted that first of all, the appellant herself has undergone a major heart surgery on 11.01.2023 and is in medication, in spite of which, she is taking care of her husband, who is totally blind and that, their son, studying in 8th standard, is in the middle of the academic year. Stating so, the appellant in her



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representation, prayed for deferment of transfer only for one year. However, the same was not considered by the authorities. Even the learned Judge has not shown any indulgence on the appellant and he dismissed the writ petition. Therefore, the learned counsel sought to allow this appeal by setting aside the orders of the learned Judge and the authorities concerned.

4. On the other hand, the learned counsel appearing for the respondents submitted that after completion of basic training at CISF, NISA, Hyderabad, the appellant has been serving only in Chennai based CISF Units for 15 years 05 months. In support of the same, he placed reliance on the posting details of the appellant, which reads as follows:

<i>Place of Posting</i>	<i>From</i>	<i>To</i>
<i>NISA Hyderabad</i>	<i>23.12.2006</i>	<i>03.02.2008</i>
<i>Chennai Airport</i>	<i>03.03.2008</i>	<i>02.10.2012</i>
<i>CPT Chennai</i>	<i>11.02.2012</i>	<i>22.06.2015</i>
<i>CPCL Chennai</i>	<i>23.06.2015</i>	<i>21.07.2018</i>
<i>Chennai Airport</i>	<i>22.07.2018</i>	<i>08.08.2023</i>

The learned counsel further submitted that as per CISF posting policy, the appellant was transferred from CISF Unit ASG Chennai to CISF Unit ASG Bengaluru vide order dated 28.04.2023 and hence, her representation dated



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28.04.2023 seeking one year deferment of transfer, was not considered, as devoid of merits, by order dated 16.05.2023. Thereafter, the appellant made on-line e-grievance on 03.08.2023 to the DG/CISF, Headquarters, New Delhi, to which, the authorities made the remarks that “the matter has been examined by IG/APS-II, decided to return her online grievance to her parent ASG, as she has already been relieved to her new place of posting”. It is also submitted that after the issuance of the transfer order, the appellant was relieved from the said post and a new person joined the said post. Thus, according to the learned counsel, the learned Judge after considering the entire facts and circumstances of the case, has rightly dismissed the writ petition, by the order impugned herein, which does not require any interference by this court.

5. Heard both sides and also perused the documents enclosed in the typed set of papers.

6. Before the writ court, the appellant challenged the transfer order issued to her, citing health ground. The learned Judge examined the case projected by the appellant as well as the policy of the CISF and ultimately, dismissed the writ petition, by observing that the CISF Personnel



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are covered by the Guidelines for Posting/Transfer and 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; that, not only the appellant, but also more than 200 personnel have been transferred; and that, the appellant, 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 and she has now been transferred to Bengaluru, where also, medical facilities are available. The said order is questioned by the appellant herein.

7. It is settled law that transfer is an incidence of service and the Courts should be very reluctant to interfere in transfer orders as long as they are not clearly illegal. The Hon'ble Supreme Court in the decision rendered in *Civil Appeal No.1243 of 2022 etc. batch, dated 10.03.2022, in the case of SK Nausad Rahaman and others v. Union of India and Others*, pointed out certain basic percepts of service jurisprudence, which are as follows:

“24. First and foremost, transfer in an All India Service is an incident of service. Whether, and if so where, an employee should be posted are matters which are governed by the exigencies of service. An employee has no fundamental right or, for that matter, a vested right to claim a transfer or posting of their choice.



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25. *Second, executive instructions and administrative directions concerning transfers and postings do not confer an indefeasible right to claim a transfer or posting. Individual convenience of persons who are employed in the service is subject to the overarching needs of the administration.”*

Applying the aforesaid legal proposition to the facts of the present case, we do not intend to interfere with the order of the learned Judge, who has rightly dismissed the writ petition filed by the appellant, taking note of the guidelines / policies framed by the CISF and the present position that the appellant was relieved from the said post and a new person joined the said post.

8. At this juncture, the learned counsel for the appellant submitted that the appellant may be granted liberty to approach the authority concerned for considering her claim sympathetically on the health grounds.

9. Granting such liberty to the appellant, this writ appeal stands dismissed. No costs. Connected C.M.P. is closed.

[R.M.D.,J.] [M.S.Q., J.]
13.09.2023

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation: Yes / No



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