



WEB COPY



WP.No.33535 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR

WP.No.33535 of 2022
and W.M.P.No.32989 of 2022

Samathanadurai

.. Petitioner

Versus

1.The Commandant
2 Signal BN CRPF
Chandrayankutta
Hyderabad, Telangana

2.The Commandant
77 BN CRPF Special Jail Complex
Karaiyan Chavadi
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 pertaining to the impugned order of the first respondent in under Impugned Office Order under Ref.T.IX-4/2022-OPS-2 Signal, dated 05.12.2022 and quash the same insofar as the petitioner is concerned and direct the 1st respondent to retain the petitioner in the present station in 77 Battalion at Karaiyan Chavadi, Poonamallee, Chennai on the medical ground of petitioner's wife and sone namely Palaniselvi and Irwil Pascal in accordance with the Central Reserve Police Force (CRPF) Standing Order 04/2022 dated 27.09.2022.

For Petitioner : Mr.S.Xavier Felix

For Respondents : Mr.K.Ramanamoorthy
Central Government Standing Counsel



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ORDER

This Writ Petition has been filed challenging the order passed by the first respondent in Ref.T.IX-4/2022-OPS-2 Signal, dated 05.12.2022, quash the same and consequently, direct the 1st respondent to retain the petitioner in 77 Battalion at Karaiyan Chavadi, Poonamallee, Chennai on the medical ground of his wife and son in accordance with the Central Reserve Police Force (CRPF) Standing Order 04/2022 dated 27.09.2022.

2. The petitioner is a Head Constable in CRPF. The challenge has been made on the ground that his son is suffering from Autism and as per Rule 7 of Transfer Policy of Group-'A' Officers (up to the rank of Deputy Commandant), Group-B & Group-C Officials/Personnel of the Force in Special, he can apply for Special Category/Retention in exceptional and genuine cases. Therefore, according to the learned counsel for the petitioner that he has joined at his new place on 07.01.2023, since, his son is suffering from Autism, there is some improvement in Chennai and hence, he requires retention.

3. The learned counsel for the respondent submitted that since the petitioner has jointed at the new place, there is no vacancy available and he is already working for more than 4 years 7 months according to him, mere applying under Rules 7 will not create any right for posting under the special



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category and further, medical facilities is also available in Rajahmundry,

Andhra Pradesh and the petitioner is not posted in any remote area.

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

5. Considering the facts and circumstances, this Court is of the view that the petitioner is already relieved, joined in the new station and it appears that there is no vacancy available at present. Thus, retention sought on the medical grounds cannot be ordered by this Court.

6. Accordingly, I do not find any merits in the case and this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed.

No costs.

11.07.2023

dhk

Index:Yes/No

Internet: Yes/No

Neutral Citation:Yes/No

N.SATHISH KUMAR, J.



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