



W.P.No.12457 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12457 of 2024
and W.M.P.No.13609 of 2024

A.Raja

.. Petitioner

Versus

1. The Director General,
Central Industrial Security Force,
Block No.13. C.G.O. Complex,
Lodhi Road,
New Delhi - 110 003.

2. The Deputy Commandant,
Central Industrial Security Force Unit,
CISF Unit, CPCL,
Manali,
Chennai - 600 068.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent in his order No.E-42099/CISF/CPCL/KAG/Adm/2024/1073, dated 22.04.2024 quash the same and to direct the 1st respondent to cancel the posting of the petitioner's Inter Sector Transfer (IST) - 2023 to CISF Unit, SOU, Ekta Nagar, Gujarat and retention the petitioner at CISF Unit CPCL Manali, Chennai under medical treatment grounds.

For Petitioner : Mr.R.Thiyagarajan

For Respondents : Mr.M.Karthikeyan



W.P.No.12457 of 2024

WEB COPY

ORDER

This Writ Petition is filed challenging the impugned order of the second respondent, dated 22.04.2024, by which, the petitioner's representation for cancellation of posting him outside his native place, was disposed of.

2. The petitioner is challenging the order, dated 06.04.2024 and 22.04.2024. The petitioner is working as Head Constable in the respondent Organisation. The petitioner has been working in the home State since the year 2011. As per the policy of the respondents, after 12 years, they will shift the person outside the home State. Therefore, apprehending that he may be shifted to far off place, the petitioner initially made a representation that his shifting may be deferred for now. By the order, dated 06.04.2024, the said request is rejected. The further request of the petitioner is that in the event of shifting him from his home State, let him be posted in any nearby State. The case of the petitioner is that he is a differently abled person and a Disability Certificate is also issued to him by the appropriate authority, assessing his disability at 65%. The petitioner is therefore



W.P.No.12457 of 2024

WEB COPY

entitled to the benefit of O.M.No.AB-14017/41/41/90-Estt(RR), dated 10.05.1990. The learned Counsel would also rely upon the order of the High Court of Delhi in W.P.(C) No.12404 of 2022, dated 15.12.2023.

3. Per *contra*, *Mr.M.Karthikeyan*, taking notice on behalf of the respondent Organisation, would submit that in this case, whether the petitioner would come within the differently-abled quota is a question to be decided by the respondent.

4. Now, considering the overall facts and circumstances of the case, firstly, by the first impugned order, the respondents have only rejected the request for deferment for shifting. As far as the second request to place him in a nearby place is concerned, the said question will arise only at the time of issuing the posting order to the petitioner. It would be open for the petitioner to request the respondents by quoting the O.M as well as by enclosing his Disability certificate and it is for the respondents to consider the same in accordance with rules and policy.



W.P.No.12457 of 2024

5. With the aforesaid observations, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.04.2024

Index : yes

Speaking order

Neutral Citation : no

grs

Note : Issue order copy on 02.05.2024.

To

1. The Director General,
Central Industrial Security Force,
Block No.13. C.G.O. Complex,
Lodhi Road,
New Delhi - 110 003.
2. The Deputy Commandant,
Central Industrial Security Force Unit,
CISF Unit, CPCL,
Manali,
Chennai - 600 068.



WEB COPY



W.P.No.12457 of 2024

D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.No.12457 of 2024
and W.M.P.No.13609 of 2024

30.04.2024