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W.P.No.19151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.19151 of 2024

and

W.M.P.Nos.20998 & 21000 of 2024

D.Abimannan

.... Petitioner

Vs

1.The Deputy Inspector
General of Police (Establishment),
Office of the Directorate General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road, New Delhi – 110 003.

2. The Deputy Inspector General of Police,
Group Centre,
Central Reserve Police Force,
Avadi, Chennai – 600 055.

3. The Deputy Commandant (Adm),
Group Centre,
Central Reserve Police Force,
Avadi, Chennai – 600 055.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus to call for
the records relating to the impugned order of the first respondent in



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Order No.694/2024-ESTT-BR-P2DA 10-PER-DG dated 03.06.2024 and the consequential movement order issued by the third respondent dated 24.06.2024 and quash the same in so far as the petitioner is concerned and direct the first respondent to retain him in the present station itself, namely, Chennai in the light of the orders passed by this Court in S.Dakshinamurthy Vs. The Inspector General of Police, Southern Sector, Hyderabad in W.A.No.1273 of 2017 dated 25.10.2017.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.T.L.Thirumalaisamy
Central Government Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 03.06.2024, thereby transferred the petitioner and the movement order dated 24.06.2024, thereby directed the petitioner to report in the transferred place.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined service in the Central Reserve Police Force (CPRF) as Constable in the year 1991. Thereafter, he was promoted to the post of Head Constable. Subsequently, he was promoted



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to the post of Assistant Sub-Inspector in the year 2017. He had served in various places in India. While he was serving in Jammu & Kashmir, he availed leave and came to his native place. Where he was affected with brain stroke, he underwent two brain surgeries in the month of January 2019 and May 2019. He was transferred to Avadi in the month of November 2019. He was performing light duties and he was categorized as SHAPE-P (3). Now the petitioner was transferred to 198 Battalion at Vishakapattinam.

4. The learned counsel appearing for the petitioner would submit that the petitioner had undergone brain surgery and he was given light duty. He was categorized as SHAPE-P(3). Therefore, he cannot work under the Battalion. If the personnel are found to be under SHAPE-P(3) he is fit for sedentary duties (desk bound) not involving undue stress. In fact, after his transfer, he was given only light duty. Clause 9(e) of the Standing Order provides that while rehabilitating partially disabled personnel in units/offices care should be taken to ensure that these personnel may be posted to the offices/institutions where adequate medical facilities are available and is near to his home



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town so that he can get family support at the time of need. He also relied upon the Judgment of the Hon'ble Division Bench of this Court in W.A.No.1273 of 2017, dated 25.10.2017, wherein this Court held that one cannot lose sight of the fact that force personnel do require moral support, not only from the employer, but also from their respective families, more so, when they are categorised under low medical category.

5. On instruction, the learned Central Government Standing Counsel appearing for the respondents would submit that the request made by the petitioner was considered even in the transfer order and he was retained in Avadi on medical ground. However, the request made by the petitioner was rejected by the competent authority, viz., Directorate General, CPRF, New Delhi, by its communication dated 02.03.2023. In fact, the petitioner has taken personal audience of Directorate General, CRPF and requested to cancel his transfer order and retain him in Avadi itself on medical ground. Therefore, the request was considered by the competent authority, who permitted to retain him in Avadi till next Summer Chain Transfer-2024 on medical grounds by cancelling the earlier order. After expiry of one year, his transfer was considered as



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Low Medical category during the SCT-2024 and by its communication dated 03.06.2024 he was transferred to 198 Battalion at Visakhapatnam, where sufficient medical facility is available. Accordingly, the petitioner was relieved on transfer from Avadi to 198 Battalion on 24.06.2024.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent. Thus, the writ petition is devoid of merits and is liable to be dismissed. It is made clear that the respondents are directed to allot light duty to the petitioner in the 198 Battalion at Vishakapatnam.

7. In the result, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

15.07.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN. J.

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To

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