

(2022) 03 TEL CK 0076
In the Telangana High Court
Case No : Writ Petition No. 16057 Of 2022

Eligeti Srinivas

APPELLANT

Vs

Union Of India And 3 Others

RESPONDENT

Date of Decision : 29-03-2022

Acts Referred:

Citation : (2022) 03 TEL CK 0076

Hon'ble Judges : P.Madhavi Devi, J

Bench : Single Bench

Advocate : Ravi Kumar Vadlakonda, Namavarapu Rajeshwar Rao

Final Decision : Allowed

Judgement

1. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in issuing the proceedings No.E-38014/RSTPS(R)/Adm-I/Post/2022-644, dt.25.03.2022 as illegal and arbitrary.

2. The petitioner who was working as Head Constable in CISF was transferred vide orders dt.17.03.2021. In the said transfer order itself, a relaxation was given to the personnel whose wards were studying in 9th and 11th standard during the academic year 2020-21 and those transfer orders were deferred up to 31.03.2022 subject to their family members including ward staying in family accommodation allotted by unit or granted HRA and also willingness of the individual concerned that he/she is willing to stay further one year in his present place of posting with a direction that they should be relieved on 31.03.2022 (AN) without waiting for any further direction from the FHQr., New Delhi.

3. It is submitted that the petitioner's children are studying in 9th and 12th Classes and their examinations are scheduled to be held in the months of May and June, 2022, as per the schedule of examinations filed in the writ papers. It is submitted that the petitioner has filed application/request for extending his stay up to 30.06.2022. However, the same has been disposed of vide orders dt.25.03.2022 rejecting his request and directing the petitioner to keep himself

in readiness to move to his new place of posting by 31.03.2022 (AN) positively. Aggrieved by this order dt.25.03.2022, the present Writ Petition is filed.

4. Learned counsel for the petitioner, Sri Ravi Kumar Vadlakonda, reiterated the submissions made in the writ affidavit.

5. Sri K. Aravind Kumar, learned counsel representing Sri Namavarapu Rajeshwar Rao, learned Assistant Solicitor General, has obtained written instructions, according to which, general transfer order is made vide proceedings dt.17.03.2021. According to him, the petitioner was already given relaxation on earlier occasions and his request again for relaxation for the third time has not been accepted by the department. The written instructions also mentioned that bus facilities are provided for the children to drop the wards of CISF personnel along with escort and if the individual desires to stay his family at the station on the ground of children education up to 30.06.2022, he has to submit an application for quarter retention.

6. Having regard to the fact that the petitioner's children are studying in 9th and 12th Classes and that the petitioner is only seeking retention in the station up to 30.06.2022 till which time the examinations of the children of the petitioner would be over, the respondents are directed to continue the petitioner in the present station till 30.06.2022 after which the petitioner shall relocate himself to the new station.

7. The Writ Petition is accordingly allowed. No order as to costs.

8. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.