
(2021) 01 KL CK 0018

In the High Court Of Kerala

Case No : Writ Petition (C) No. 24905 Of 2020

Inspector/Executive And Ors

APPELLANT

Vs

Director General /Central Industrial Security Force And Ors

RESPONDENT

Date of Decision : 04-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0018

Hon'ble Judges : Anu Sivaraman, J

Bench : Single Bench

Advocate : T. Sanjay, Sanil Kumar G, Midhun R, P. Vijayakumar, Daya Sindhu Sreehari N.S

Judgement

1. This writ petition is filed seeking the following prayers:-

"i) to declare that Ext.P4 transfer order is illegal in view of Ext.P3 directions of the 1st respondent i.e DG/CISF.

ii) to issue a writ of certiorari or any other appropriate writ or direction quashing Ext.P4 order of transfer dated 11.11.2020.

iii) to issue a writ of mandamus or any other appropriate writ, direction or order, directing the 2nd respondent to retain the petitioners at CISF Units FACT UDL & UTL P&C till completion of normal tenure of the 1st petitioner as a couple case."

2. Heard the learned counsel for the petitioners and the learned ASGI appearing for the respondents.

3. It is submitted by the learned counsel for the petitioners that petitioners have been transferred out to Neyveli in the middle of the academic year and that the transfer is causing disruption to the education of their only child, who is a girl. It is submitted that representations have been submitted before the respondents, which have not been considered, taking note of Exts.P3 and P8 general directions which interdict transfer except in administrative exigencies. It is contended that the transfer of the petitioners is not necessitated due to any such exigency and

the petitioners are only seeking the indulgence of the respondents to continue in station till the end of the academic year.

4. A detailed statement has been placed on record by the ASGI on behalf of the respondents wherein it is contended that there will be no disruption of studies since a Kendriya Vidyalaya is readily available to accommodate the petitioners' child there.

5. In any view of the matter and in view of the fact that the petitioners have approached the respondents seeking deferring of the transfer till the end of the academic year, I am of the opinion that the said request is liable to be considered, taking note of Exts.P3 and P8 as well.

6. There will, accordingly, be a direction to the 2nd respondent to take up and consider the request made by the petitioners for deferring the transfer till the end of the academic year in the light of Exts.P3 and P8. Till orders are passed on the request of the petitioners, the interim orders shall continue in force.

This writ petition is ordered accordingly.