

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.17160 OF 2017**

**ORDER:**

The petitioner claims that he was appointed as a Constable/Cook (Hospital) in CRPF in the year 1991. It is his case that he was diagnosed as HIV Positive in the year 1998 and after the same was declared by the HIV Cell, Gandhi Hospital, Secunderabad, he has been taking treatment in NIMS, Hyderabad, and therefore assigned light duties in the Department. In the year 2004, his wife passed away and he has two sons working in Hyderabad, who are taking care of him. It is his further case that though he was transferred to other States on two occasions, considering his health condition, the transfer orders were not given effect to and he was retained in Ranga Reddy Division for the purpose of treatment and that he has been attending for medical check up every month in NIMS, Hyderabad. In the year 2016, he was found to be at the advanced stage i.e. Stage II of the disease and in the year 2017, he was also attacked with Harpez and he needs regular medical attendance for the diseases. While so, on 27.04.2017, the Director/IGP (Medical) issued orders transferring him to 102 RAF, Mumbai. Thereupon, he submitted representation dated 29.04.2017 requesting the authorities to cancel the transfer order and retain him in Ranga Reddy for one year, to enable him to take treatment and opt for voluntary retirement thereafter. As the said representation is not considered, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned counsel representing Sri B.Narayana Reddy, learned Assistant Solicitor General appearing for the respondents.

Learned counsel representing the respondents submits that the petitioner has been continuing in Ranga Reddy Division for the last 17 years in view of his health condition, by canceling the transfer orders on several occasions, and he cannot be retained anymore in Ranga Reddy Division. It is further submitted that when a representation filed by an employee is not disposed of within twenty days, it is deemed to be rejected. Learned counsel therefore states that no relief can be granted to the petitioner.

Learned counsel for the petitioner did not dispute the fact that the petitioner is being continued in Ranga Reddy Division for the last 17 years, by canceling the transfer orders on two or three occasions.

As can be seen from the representation dated 29.04.2017 made by the petitioner, it is clear that the petitioner has stated therein that he wants to take voluntary retirement from service with effect from 30.04.2018. The same is reiterated in the affidavit filed in support of the writ petition.

In the facts and circumstances, it is open for the petitioner to make a fresh representation in respect of his grievance to the second respondent specifically indicating his intention to take voluntary retirement from service with effect from 30.04.2018, within one week from the date of receipt of a copy of this order. On such representation being made, the second respondent shall consider the same and take a decision. Till such decision is

taken, the petitioner shall be retained in the same place where he is working as of now.

The writ petition is accordingly disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

26.05.2017  
Dv/IBL

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**A.RAJASHEKER REDDY,J**

