

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.P. (C) No. 703 of 2020

Md. Mujibur Rahman, aged about 45 years, now serving as Head Constable in the Central Reserve Police Force having No. 991151101 posted at 86 Bn. C.R.P.F. Lamphelpat, S/O Md. Abdul Halim, a permanent resident of Lilong Haoreibi Mayai Leikai, P.O. & P.S. Lilong, Thoubal District, Manipur.

..... Petitioner

- Versus -

1. Union of India, represented by Home Secretary (Ministry of Home Affairs), North Block, New Delhi -110011.
2. The Directorate General of Police, CRPF, CGO Complex, Lodhi Road, New Delhi – 03.
3. Inspector General of Police CRPF, M/N Sector, Imphal, Manipur – 795113.
4. DIGCENT (ADM) M&N, Group Centre CRPF Langjing, Manipur – 795113 and
5. The Commandant 86 BN, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.

.... Respondents

BEFORE

HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR

For the petitioner	:	Mr. S. Sarat, Advocate
For the respondents	:	Mr. W. Darakishwor, Sr. PCCG

Date of Order	:	23.12.2020
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ORDER (ORAL)

[1] Heard Mr. Sarat, learned counsel appearing for the petitioner and Mr. W. Darakishwor, learned Sr. PCCG for the respondents.

[2] The prayers in the writ petition read as follows :-

- b) To pass a stay the Transfer and Movement Order dated 01/12/2020 in connection with the Transfer and posting under Vide Signal No. M-V-2/2020-44-EC-I DATED 30/11/2020 from HQ/86 Bn. To 44Bn.;*
- c) To quash the Impugned Order dated 24/11/2020 under Vide No. T.IX-10(WST-19)/2019-M&N-Adm.I for the transfer of the petitioner from HQ/86 Bn. To 44Bn.*

[3] The petitioner challenges the transfer order on the ground that the petitioner is suffering from low back pain that is based on medical certificate. Earlier, the petitioner has filed W.P. (C) No. 723 of 2019 on the same issue and the Court granted indulgence by directing the respondents to consider the representation. In this manner, more than 6 years have lapsed and the petitioner is now in the home State beyond the standard time line as per service rules.

[4] Mr. W. Darakishwor, learned Sr. PCCG states that the petitioner is not following the **Standing Order -7/2015**. By virtue of the interim order of the Court, the petitioner cannot seek extension of service in home State if the service rule does not provide for the same. If it is a case of physical ailment, it needs justification by the medical board. However, the petitioner's counsel has not taken any steps.

[5] In the situation, the only other option available to the petitioner is to make further representation for posting in any place in the North-East India as suggested by Mr. S. Sarat, learned counsel for the petitioner.

[6] This Court does not have any difficulty in permitting the petitioner to make a representation to the authority for posting to a nearer place after explaining his physical condition before the medical board. If the rule provides for continuing home stay, then the petitioner has to follow the said rule including the submission before the medial board.

[7] In this situation, this Court does not find any justification to grant any interim at the present stage except giving liberty to make a representation as stated by Mr. S. Sarat, learned counsel for the petitioner for posting in any other place in the North-East India.

[8] It is left to the petitioner to make a representation to the authority within 2(two) weeks from the date of receipt of the copy of this order and the same shall be considered and disposed of by the authority expeditiously.

Writ petition stands disposed as above.

CHIEF JUSTICE

Sandeep

FR/NFR

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Rother

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