



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2015

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.12462 of 2015

D.Chandrasekaran

... Petitioner

Vs.

1.The District Superintendent of Police,
Thanjavur District,
District Police Office,
Thanjavur.

2.The Inspector of Police,
Vallam Police Station,
Thanjavur Taluk & District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 15.07.2015 and retain the petitioner either at Vallam or in any one of the Police stations in Vallam Sub Division by considering the physical condition of the petitioner and the specific consolidated instructions of the Government in paragraph VI (J) of letter No.23847/S/98-1 P and AR Department dated 05.08.1998 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Kumar, AGP

O R D E R

The petitioner seeks for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 15.07.2015 and retain the petitioner either at Vallam or in any one of the Police Stations in Vallam Sub Division by considering the physical condition of the petitioner and paragraph VI (J) in letter No.23847/S/98-1 P & AR Department, dated 05.08.1998.

2.Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

3.The learned counsel for the petitioner submitted that it would suffice if the representation of the petitioner is disposed of, on merits and in accordance with law in the light of the paragraph VI (J) in letter No.23847/S/98-1 P & AR Department, dated 05.08.1998, within a time frame to be fixed by this Court.

4.The learned Additional Government Pleader appearing for the respondents submitted that the above said paragraph VI (J) in letter No.23847/S/98-1, P & AR Department, dated 05.08.1998 is not applicable to the Police Department.



5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. In paragraph VI (J) in letter No.23847/S/98-1, P & AR Department, dated 05.08.1998 it has been stated that a person who is due for transfer on completion of three years of service in a seat / post / station need not be transferred to another station if his left over service before retirement is one year or less. In such cases, he should be given a change of seat / post in the same station, or if that is not possible, and if the post is a non sensitive one, he may be allowed to continue in the same post until he retires from service on attaining the age of superannuation.

7. In view of the above, the respondents are directed to consider the representation of the petitioner, dated 15.07.2015 on merits and in accordance with law in the light of paragraph VI (J) of letter No.23847/S/98-1, P & AR Department, dated 05.08.1998, if applicable, and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
1. The District Superintendent of Police,
Thanjavur District,
District Police Office,
Thanjavur.

2. The Inspector of Police,
Vallam Police Station,
Thanjavur Taluk & District.

+1cc to M/S. S.Visvalingam, Advocate in SR.No 39674

+1cc to Special Government Pleader in SR.No. 40330.

TS/24.07.2015/2P - 5C

W.P. (MD) No.12462 of 2015

21.07.2015