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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2016

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THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.20176 of 2016

and WMP(MD)Nos.14468 & 14469 of 2016

K.Sheik Ansari

... Petitioner

-vs-

1. The Chairman

The District Transfer Committee,
Pudukottai District.

2. The Superintendent of Police,

Office of the Superintendent of Police,
Pudukottai District.

3. The Inspector of Police,

Head Quarters,
Armed Reserve,
Pudukottai District.

4. The Inspector of Police,

Kottaippattinam Police Station,
Pudukottai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarifeid mandamus calling for the records connected with the D.O.No.661/2016 RC.No.A3/23216/2016 dated 11.10.2016 on the file of the respondent No.2 and quash the same as illegal insofar as serial number 46 that relates to the petitioner and consequently directing the Respondent No.2 to continue duty as grade II constable in the armed reserve Pudhukottai.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.V.R.Shanmuganathan

Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the order dated 11.10.2016 passed by the second respondent and consequently direct the second respondent to permit the petitioner to continue duty as Grade II Constable in the Armed Reserve, Pudukottai.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice of the facts and circumstances. By consent the writ petition itself is taken up for final disposal at the admission stage.



3.The case of the petitioner is that he was serving in the Armed Reserve, Pudukottai as Grade II Constable from 12.08.2011. The second respondent transferred the petitioner to Kottaipattinam Police Station by the impugned order dated 11.10.2016.

4.According to the learned Additional Government Pleader appearing for the respondents, there was excess strength of 137 Police Constables in the Armed Reserve and that was sought to be deployed to other places and therefore, willingness was called for from the persons employed in Armed Reserve, Putukottai. Accordingly, 80 applications were received and they were transferred on their willingness and remaining excess of 57 persons were transferred on account of exigencies.

5.In so far as, the present petitioner is concerned, his representations dated 14.10.2016 and 17.10.2016 have already been considered and a detailed order has been passed on 19.10.2016.

6.It is pointed out in the order that, apart from 80 persons who were transferred on willingness, remaining 57 constables were transferred irrespective of their willingness on account of administrative exigencies. It is based on seniority and therefore, the request of the petitioner could not be considered at this stage. However, the communication itself states that after reporting to the transferred place, if any representation is given, that would be considered by the concerned Superintendent of Police.

7.Recording the submission made by the learned Additional Government Pleader appearing for the respondents and the proceedings dated 19.10.2016, this Writ petition is closed. Consequently connected WMP(MD)No.14468 & 14469 of 2016 are closed. No costs.

Sd/
Assistant Registrar(RTI)

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Sub Assistant Registrar

To

1. The Chairman
The District Transfer Committee,
Pudukottai District.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Pudukottai District.



3. The Inspector of Police,
Head Quarters,
Armed Reserve,
Pudukottai District.

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4. The Inspector of Police,
Kottaippattinam Police Station,
Pudukottai District.

+1cc to M/S.S,Malaikani, Advocate in SR.No.62430.

WP (MD) No.20176 of 2016
21.10.2016

mj/msm/gsv-pm/sar-1/25.10.16/p3/6c