

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 6.10.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1199 of 2017
and
C.M.P.No.16928 of 2017

S.Kathiravan

Appellant

Versus

1. The Director General of Police,
Central Reserve Police Force,
CGO Complex, Block No.1,
Lodhi Road, New Delhi 110 003.
2. The Additional Director General of Police,
Central Reserve Police Force,
Group Centre,
Chandrakudan, Keshogri (Post),
Hyderabad 560 055.
3. The Inspector General of Police,
Central Reserve Police Force,
Western Sector,
CGO Complex, CBD Balapur,
Navi Mumbai 400 614.
4. The Deputy Inspector General of Police,
Central Reserve Police Force,
Group Centre, Avadi, Chennai 600 065.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 7.8.2017 passed in W.P.No.9118 of 2015 on the file of this court.

WP.No.9118 of 2015:Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for records relating to the transfer order made in CENTPOL SZ HYD SIGNAL No.T.IX.12/2015-SZ - ADM - I dt 11.3.2015 by the 2nd respondent herein and the consequential Posting Order made in POLCENT WS SIGNAL NO. T.

IX.29/2015. WS - ADM - V dt 17.3.2015 by the 3rd respondent herein and quash the same and consequently direct the respondents herein to retain the petitioner herein in the present place of posting in the 4th respondents Office

For appellant : Ms.R.Meenakshi
For respondents : Mr.K.Ramanamoorthy,
Central Government Standing Counsel

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. The petitioner is working as Constable in the Central Reserve Police Force. Making some feeble allegations against the order of transfer and stating that the order of transfer is a mala fide one since he had been transferred by leaving other similarly placed persons, and thereby he has been isolated and discriminated, he filed the writ petition. Now, challenging the order passed by the learned Single Judge declining to grant the relief, the present writ appeal has been filed.

3. Learned Central Government Standing Counsel appearing for the respondents would submit that the writ petitioner has involved in a scam of exchange of notes of 500 and 1000 and a criminal case filed in that is pending against him.

4. On perusal of the materials available on record, we find that the appellant/writ petitioner has been serving in the present Station viz., CRPF, Avadi, Chennai from 2012 and it appears that during the year 2015, he was sought to be transferred to Pune and on the strength of the interim order passed by this court in the writ petition filed by him, he had continued in the present Station itself. Therefore, he had been serving in the present Station for nearly five years. Apart from that it appears that a criminal case is also pending against him for exchange of currency. Moreover, transfer is nothing but, incident of service. The appellant is not able to substantiate his feeble contention of mala fide intention on the part of the respondents in showing discrimination towards the appellant especially when he is facing a criminal prosecution for a serious offence.

5. In that view of the matter, the order passed by the learned Single Judge dismissing the case of the writ petitioner considering the fact that the appellant/writ petitioner had served in the present Station for more than six years, cannot be faulted. No case is made out by the appellant to interfere with the order passed by the learned Single Judge. Therefore, the writ appeal is dismissed. The appellant is directed to report at the transferred place, within one month from today failing which, it is for the Department to proceed against him in accordance with law. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Director General of Police,
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+ cc to M/s.K.Ramanamoorthy Advocate sr 71671

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