

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7164 of 2017

K.Fazalullah Sait

... Petitioner

-vs-

1. The Union of India
rep by its Secretary to Government
Ministry of Home Affairs
New Delhi
2. The Director General
Central Industrial Security Force
CGO Complex, Lodhi Road
New Delhi 110 003
3. The Additional Director General
Airport Sector
Central Industrial Security Force
CGO Complex, Lodhi Road
New Delhi 110 003
4. The Deputy Inspector General
Airport Sector
Central Industrial Security Force
Rajaji Bhavan, Besant Nagar
Chennai 600 090
5. The Assistant Commandant
Office of the Senior Commandant
Airport Security Group, CISF Unit
Meenambakkam
Chennai 600 027

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relating to the Movement Order No.E-38014/ASG(CH)/Adm-1/Posting/2017/1643 dated 18.03.2017 passed by the fifth respondent transferring the petitioner to Jammu & Kashmir and quash the same and to direct the respondents to post the petitioner in the Home Zone posting.

For Petitioner:: Mr.M.Md.Ibrahim Ali

For Respondents::Mr.P.Saravanan
Additional Central Government
Standing Counsel

ORDER

The impugned order of transfer has been questioned by the petitioner on the ground that when he was transferred by order dated 14.3.2017 to Visakhapatnam, within a few days, he has been once again directed to go to Jammu and Kashmir. That shows that the respondents are frequently taking different stands, which also show that they are not applying their mind. When the order of transfer is not reflecting the mind of the respondents, it has to be construed that the same has been passed with a mala fide intention.

2. This Court, taking note of the fact that the petitioner was issued with the relieving order on 14.3.2017 to go to Visakhapatnam and then, within a few days, has been directed to go to Jammu and Kashmir, directed the learned Additional Central Government Standing Counsel for the respondents to take instructions. Today, a confidential memo has been placed before this Court. A perusal of the confidential memo shows that the impugned order dated 18.3.2017 has to be confirmed, for the reasons stated therein. Hence, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. Consequently, W.M.P.Nos.7787 & 7788 of 2017 are also dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government of India,
Ministry of Home Affairs,
New Delhi.

2. The Director General,
Central Industrial Security Force,
CGO Complex, Lodhi Road,
New Delhi 110 003.

3. The Additional Director General,
Airport Sector,
Central Industrial Security Force,
CGO Complex, Lodhi Road,
New Delhi 110 003.

4. The Deputy Inspector General,
Airport Sector,
Central Industrial Security Force,
Rajaji Bhavan, Besant Nagar,
Chennai 600 090.

5. The Assistant Commandant,
Office of the Senior Commandant,
Airport Security Group, CISF Unit,
Meenambakkam,
Chennai 600 027.

+1cc to Mr.P.Saravana, Advocate Sr.19364

+1cc to M/S.M.Md.Ibrahim Ali, Advocate Sr.19353

W.P.No.7164 of 2017

vsn[co]
srg 19/04/2017

सत्यमेव जयते

WEB COPY