

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.6271 of 2017

G.Sumathy

.. Petitioner

Vs

1.The Additional Director General of Police,
Economic Offence Wing,
Chennai - 600 032.

2.The Inspector of Police,
CCIW - CID,
Thiruvallur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the proceedings of the first respondent in Rc.No.A1/EOW/01312/2017, O.O.No.0041/2017, dated 22.02.2017 and quash the same and consequently direct the respondents to retain the petitioner in the same place at CCIW, CID, Thiruvallur, with all benefits and pass such further orders.

For petitioner : Mr.R.S.Anandan

For Respondents : Mr.K.Rajendra Prasad, GA

ORDER
सत्यमेव जयते

By way of filing this writ petition, the petitioner seeks to quash the impugned proceedings dated 22.02.2017 of the first respondent / the Additional Director General of Police, Economic Offence Wing, Chennai, in and by which, the petitioner was repatriated to Vellore District from Thiruvallur District.

2. It is submitted by the learned counsel for the petitioner that the first respondent is completely unaware of the parent unit of the petitioner. Had he come to know that the petitioner's parent Unit is Thiruvallur Unit, then the impugned order of repatriation to Vellore Unit would not have been issued.

3. Relying upon the proceedings dated 07.06.2013 of the first respondent, which says that they have already repatriated her to the parent Unit of Thiruvalluvar District at her own request, it is submitted that there cannot be two parent Units to the petitioner, as the first respondent has already repatriated her to her parent Unit of Thiruvallur District, therefore, the impugned order of repatriation again sending her back to Vellore Unit is wholly misconceived.

4. It is further submitted that if the impugned proceeding is allowed to sustain, especially when the petitioner does not belong to Vellore District as her parent Unit is Thiruvallur District, then she would be losing her seniority and further promotion, for, as per the Rules, she will join at Vellore District as junior-most person of that Unit giving up her date of entry into service at Thiruvallur District i.e. 31.10.1997. Therefore, on this basis, learned counsel sought for quashing the impugned repatriation proceedings of the first respondent.

5. Per contra, learned Government Advocate appearing for the respondents submitted that since the petitioner had reported for duty to CCIW CID from Vellore District, she was repatriated to Vellore District and therefore, the same can be termed as transfer, as the repatriation to the parent District is exigency of service in the Police Department, hence, the impugned repatriation order cannot be considered as a punishment. It is further submitted that the petitioner can earn her promotion on par with her immediate juniors in the parent district according to the seniority maintained in the parent district, therefore, the contention of the petitioner that on repatriation, she would lose her seniority in the Vellore District cannot be sustained.

6. This Court is unable to agree with the above said submissions of the learned Government Advocate for the respondents. The petitioner, after joining the services on 31.10.1997 as a Grade-II Police Constable in the Tamil Nadu Special Police V-Battalion, Avadi, Chennai, was sent for training at Vellore Police Training College immediately. Thereafter, on completion of three years at TSP, Avadi V-Battalion, she was transferred to the District Armed Reserve Unit and posted to Chengai East District on 03.06.1994. Again, she was transferred to Thiruvallur District Armed Reserve Unit on 15.02.2005.

7. Apart from the above, it is seen from the proceedings dated 07.06.2013 of the first respondent, extracted below, filed by the learned Government Advocate for the respondents in the typed set of papers that the parent unit of

the petitioner is Thiruvallur District.

"Repatriated to her parent Unit
Thiruvallur District at her own request.
Relieved from SCRB on 07.06.2013 AN."

8. In such view of the matter, the impugned proceedings of repatriation passed by the first respondent stating that the parent Unit of the petitioner as Vellore District is liable to be set aside, as it is passed without application of mind and without taking note of the earlier proceedings dated 07.06.2013 passed by the same authority and accordingly, the same is set aside.

9. In fine, for the reasons stated above, the writ petition is allowed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The Additional Director General of Police,
Economic Offence Wing,
Chennai - 600 032.

2.The Inspector of Police,
CCIW - CID,
Thiruvallur District.

+1cc to Mr.R.S.Anandan,Advocate sr.42667

+1cc to Government Pleader sr.43101

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ks(co)
ss(3/7/2017)

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