

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30301 of 2017

R.Sankar

.. Petitioner

-vs-

1. The Director General of Police
Director General of Police Office
Kamarajar Salai
Chennai 600 004

2. Additional Commissioner of Police
Traffic
Vepery
Chennai 600 007

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records pertaining to the proceedings of the second respondent's transfer order bearing Na.Ka.No.P.B.2/Po.Va/1286/ 27020/2017 dated 14.11.2017 and to quash the same.

For Petitioner : Mr.M.Madhu Prakash

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

This writ petition has been filed challenging the correctness of the impugned order of transfer dated 14.11.2017 passed by the Additional Commissioner of Police (Traffic), Chennai, on the ground that the petitioner was transferred to the traffic department in the year 2012 and after five years, he was again transferred to D6 Anna Square Police Station on 6.10.2017. While he has been working in D6 Anna Square Police Station from 6.10.2017, within two months, he has been shifted to Thoothukudi district on 14.11.2017, which shows the clear arbitrary exercise of power. The petitioner's son has also joined the first year engineering course in Apollo Engineering College, Chennai. If the petitioner is compelled to go to Thoothukudi, his son's education also will be greatly affected.

2. But this Court is unable to find any merit in the writ petition. The reason is that the petitioner was transferred to J2 Adyar Police Station in the year 2012 and he was retained all along in Chennai. Therefore, his transfer to D6 Anna Square Police Station on 6.10.2017 and his subsequent transfer to Thoothukudi within two months on 14.11.2017 cannot be a ground for interference, since the petitioner is serving in the police department and that the transfer is not only a condition of service, but also an incident of service. Hence, this Court finds no infirmity with the impugned order. Accordingly, the writ petition is dismissed. Consequently, W.M.P.No.33033 of 2017 is also dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police
Director General of Police Office
Kamarajar Salai
Chennai 600 004
2. The Additional Commissioner of Police
Traffic
Vepery
Chennai 600 007

+2cc to Mr.M.Madhu Prakash, Advocate, S.R.No.83619

+1cc to the Government Pleader, S.R.No.84199

W.P.No.30301 of 2017

SV(CO)

RRK(19/12/2017)

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