

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2017

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THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal No.1347 of 2017  
and C.M.P.No.18616 of 2017

P.Muthu .. Appellant

Vs.

1.The Director General,  
C.R.P.F., CGO Complex,  
Lodhi Road, New Delhi.

2.The Office of the Inspector General of Police,  
Deputy Inspector General of Police (ADM),  
Southern Sector, Jubilee Hills, Road No.10-C,  
Near M.L.A./M.P. Colony, Gayathri Hills,  
Hyderabad-500 033.

3.The Deputy Inspector General of Police,  
Group Centre, C.R.P.F.,  
Avadi, Chennai-65.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent,  
against the order passed by this Court dated 07.08.2017 in  
W.P.No.1241 of 2016.

Prayer in WP.1241 of 2016:Petition filed under Article 226 of  
the constitution of India, praying for the issuance of Writ of  
Certiorarified mandamus to call for the records relating to the  
SIGNAL No.T-IX-25/2016 SS-Adm-II dated 8.1.2016 issued by the  
2nd respondent in so far as the Item 3 is concerned and to quash  
the same and to direct the respondents to retain the petitioner  
in the Group Centre as Sub-Inspector/ GD till April 2017.

For Appellant : Mr.M.Md.Ibrahim Ali  
For Respondents : Ms.Sunita Kumari,  
Central Govt.Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by HULUVADI G.RAMESH, J.)

This writ appeal has been filed against the order passed by  
this Court dated 07.08.2017 in W.P.No.1241 of 2016.

2.The appellant approached this Court by way of filing a writ petition in W.P.No.1241 of 2016 seeking to quash the transfer order passed by the second respondent and for a direction to retain him in the place where he is posted, till April 2017, on the ground that his wife is sick and she is taking treatment for psycho disorders. By the impugned order, the learned single Judge rejected his request, observing that the family circumstances and personal inconvenience can never be claimed as a matter of right and it is for the public servant to make arrangement for taking care of the entire family members and on the said ground, administrative transfer cannot be interfered with.

3.Challenging the same, the present appeal has been filed by the writ petitioner / appellant.

4.Heard both sides and perused the materials available on record.

5.Originally, the prayer made in the writ petition was to quash the transfer order and to retain the writ petitioner / appellant till April 2017. However, the writ petition was dismissed on 07.08.2017. Today, we are in the month of November 2017 and hence the matter has become infructuous.

6.However, taking into consideration the facts and circumstances of the case, the appellant is directed to report for duty in the transferred place on or before 01.12.2017. The interregnum period from the date of order of transfer till the date of joining, shall be treated as leave. In the mean while, if the appellant tenders resignation or opts for voluntary retirement, his application shall be accepted favourably and be permitted to retire.

7.The writ appeal is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Director General,  
C.R.P.F., CGO Complex,  
Lodhi Road, New Delhi.

2.The Office of the Inspector General of Police,  
Deputy Inspector General of Police (ADM),  
Southern Sector, Jubilee Hills, Road No.10-C,  
Near M.L.A./M.P. Colony, Gayathri Hills,  
Hyderabad-500 033.

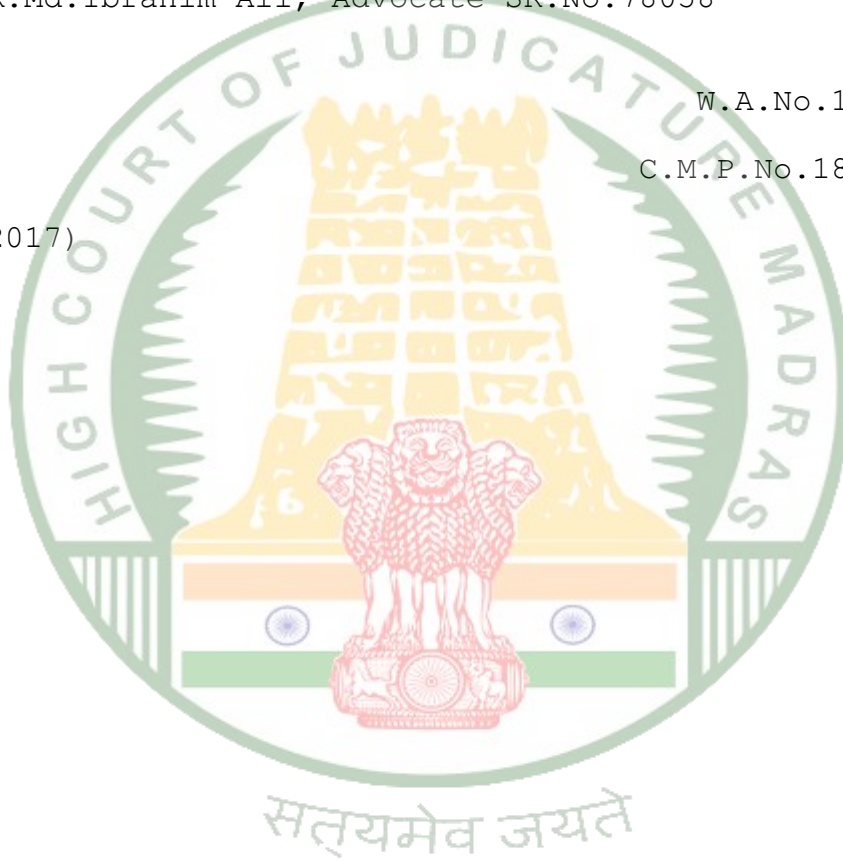
3.The Deputy Inspector General of Police,  
Group Centre, C.R.P.F.,  
Avadi, Chennai-65.

+1cc to Ms.Sunitha Kumari, Standing Counsel, SR.No.78007

+1cc to MR.Md.Ibrahim Ali, Advocate SR.No.78058

W.A.No.1347 of 2017  
and  
C.M.P.No.18616 of 2017

MR (CO)  
GN (30/11/2017)



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