

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.5924 of 2017 & W.M.P. No.6333 of 2017

M. Siva Chandramoorthy

Petitioner

vs.

1 State represented by
the Superintendent of Police
Dharmapuri District
Dharmapuri - 5

2 The Superintendent of Police
Namakkal District
Namakkal - 5

3 The Inspector of Police
Thoppur Police Station
Dharmapuri District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records in the impugned order passed in D.O. No.04/2017, C.No.A1/345/2017 dated 09.01.2017 by the first respondent and quash the same as illegal and consequently, direct the first respondent to give duty to the petitioner under the third respondent's office.

For petitioner

Mr. K. Gandhi Kumar

For respondents

Mr. T.M. Pappiah

Special Government Pleader

ORDER

Mr. T.M. Pappiah, learned Special Government Pleader, accepts notice for the respondents.

2 This writ petition has been preferred calling in question, the legality and validity of the transfer and posting order dated 09.01.2017 issued by the first respondent.

3 The petitioner is working as Special Sub Inspector in the Police Department. While so, on 14.12.2016, when he was on roll call, an accused by name Muthuraj, who was brought by one Govindhan, Head Constable, for enquiry, escaped from custody

under the guise of attending nature's call, on account of which, both the petitioner (Siva Chandramoorthy) and the said Govindhan, Head Constable have been transferred from Dharmapuri District to Namakkal District, on administrative grounds vide the impugned order. Challenging the said order, Siva Chandramoorthy alone has preferred this writ petition.

4 From an analysis of the facts obtaining in this case, it is limpid that instead of taking disciplinary action against the petitioner and the said Govindhan, as a measure of warning, the Department has merely transferred them from Dharmapuri to Namakkal, which cannot be interfered with. Further, it is pertinent to point out at this juncture that the petitioner is in uniformed service and he is not expected to let off an accused in a careless manner, rather, he is supposed to be vigilant all the time. In such view of the matter, this Court is of the considered opinion that this writ petition is bereft of any merit and is liable to be dismissed.

Accordingly, this writ petition is dismissed as being devoid of merits. Costs made easy. Connected W.M.P. is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1 The Superintendent of Police
Dharmapuri District
Dharmapuri - 5

2 The Superintendent of Police
Namakkal District
Namakkal - 5

3 The Inspector of Police
Thoppur Police Station
Dharmapuri District

+1 cc to Govt.Pleader, sr.15502

+1 cc to Mr.K.Gandhikumar, advocate, sr.15816.

pa(co)
krd 27/3

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