

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-07-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.12886 of 2015

And

WMP No.31067 of 2016 and MP No.2 of 2015

E.Thaninayagam

.. Petitioner

vs.

1. Chief Security Commissioner,
Railway Protection Force (RPF),
6th Floor, Moore Market Complex,
Chennai-600 003.
2. Senior Divisional Security Commissioner,
Railway Protection Force,
5th Floor, NGO Annexe Building,
GM Southern Railway Office Complex,
Park Town,
Chennai-600 003.

.. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records of the first respondent bearing Ref.No.M/XP.535/IPF/2015 dated 30.3.2015 (EX-'A') transferring the petitioner from Avadi (AVD) to Arakonam (AC/LOCO/AJJ) and the relieving orders of the second respondent dated 18.4.2015 (Ex.-'B') and 22.4.2015 (Ex.-'C') and quash the same.

For Petitioner : M/s.Row and Reddy

For Respondents : Mr.P.T.Ramkumar,
Standing Counsel.

WEB COPY
O R D E R

An order of transfer, transferring the writ petitioner from Avadi to Arakonam, in proceedings dated 30.3.2015 by the first respondent, is under challenge in this writ petition.

2. The writ petitioner is working in the Cadre of Inspector of Police in Railway Protection Force.

3. The learned counsel appearing for the writ petitioner contended that the order of transfer issued, transferring the writ petitioner from Avadi to Arakonam, is contrary to the transfer policy issued by the Ministry of Railways in Order No.2009/Sec(Spl)/RPF Assoc./Policy dated 10.7.2009. Through this order, some protection has been accorded to the Office Bearers of AIRPFA against transfer.

4. The contention of the learned counsel appearing for the writ petitioner is that the guidelines issued has not been followed and in violation of the policy, the impugned transfer order has been issued.

5. The learned counsel appearing for the respondents opposed the arguments by stating that the writ petitioner is not an elected constitutional Office Bearer and, he is only a working President in Avadi Station. Therefore, he is not entitled to avail the protection granted in the order dated 10.7.2009. The learned counsel further submitted that order of the Ministry of Railways, in proceedings No.2014/Sec(E)/TR-3/62 dated 14.12.2015, issued subsequently reads as under:-

"Sub: Posting and retention of RPF staff and Officers of RPF Association.

It has been observed that some of the RPF staff and office bearers of RPF Association, have still been retained beyond their prescribed tenure, at their present place of posting in violation of the instructions issued vide Board's letters, No.99/Sec(Spl)/RPF Assn/pt dated 17.6.2003, No.2003/Sec(Spl)/RPF Assn/Pol dated 8.9.2003, No.2005/Sec(E)/MT-1 (PT) dated 4.1.2006 and No.2009/Sec(Spl)/RPF Assoc/Policy dated 10.7.2009.

As per the Board's policy, Railways may kindly process all cases of such RPF staff and office bearers of RPF Association immediately, for transfer to some other places, who are retained at same place of posting, even after completion of their tenure.

As directed, a compliance report be sent to this office at the earliest."

6. It is contended that in view of the further orders of the Ministry of Railways dated 14.12.2015, the writ petitioner was transferred, since he is continuing in that same

Station at Avadi for more than 5 years and personnel working in Railway Protection Force, cannot be kept in one place for a long tenure of more than 3 years. Since the Railway Protection Force is the Uniformed Services, such a discipline is to be followed for effective administration.

7. In such view of the matter, the order of transfer is in order and there is no infirmity or violation in respect of the guidelines. Accordingly, the writ petition is devoid of merits and it stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

1. Chief Security Commissioner,
Railway Protection Force (RPF),
6th Floor, Moore Market Complex,
Chennai-600 003.
2. Senior Divisional Security Commissioner,
Railway Protection Force,
5th Floor, NGO Annexe Building,
GM Southern Railway Office Complex,
Park Town,
Chennai-600 003.

+1cc to M/s.Row and Reddy, Advocate, S.R.No.50821

+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.50926

WEB COPY

WP No.12886 of 2015

KS(CO)

CS/09/08/17