

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM :

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.27719 of 2017

and

W.M.P.No.29675 of 2017

A.Vijayasekaran

... Petitioner

Vs.

The Superintendent of Police,
Nagapattinam District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent in connection with the impugned order passed by him in District Order No.591/17 in Na.Ka.No.A1/16032/17, dated 12.10.2017 and to quash the same and to direct the respondent to consider the petitioner's representations dated 26.09.2017 and 16.10.2017 and to transfer him to Velankanni Police Station on medical grounds.

For Petitioner : Mr.M.Muthappan

For Respondent : Mr.P.Sanjay Gandhi, AGP

ORDER

Challenging the impugned transfer order in District Order No.591/17 in Na.Ka.No.A1/16032/17, dated 12.10.2017 passed by the respondent, the present writ petition has been filed by the petitioner.

2.Mr.P.Sanjay Gandhi, learned Additional Government Pleader, took notice for the respondent. With the consent of both parties, the writ petition itself is taken up for final disposal.

3.It is stated that after his appointment as Grade-II Police Constable, the petitioner was posted to serve in the TSP XIII Battalion, Veerapuram, Chennai on 15.10.2003. After seven long years, during August 2011, he was transferred to the District Armed Reserve, Nagapattinam District. During November 2013, he was posted to serve in the Taluk Police Establishment at Velankanni Police Station at Nagapattinam District. On 24.11.2015, he was again transferred to Poompoohar Police Station, which was challenged by him in W.P.No.37305 of 2015.

However, by order dated 24.11.2015, this Court directed the respondent to take action on his representation within four weeks. Pursuant to the said order, he was transferred to Thittacheri Police Station vide proceedings dated 17.12.2015. He was again transferred to Kariapattinam Police Station on 01.06.2016. After about 1 year 3 months, based on the proceedings issued by the Superintendent of Police dated 05.09.2017, the petitioner was transferred to Highways Patrol in Puthur Junction. Since his wife was hospitalised for child birth, he made a representation to the Superintendent of Police on 26.09.2017 requesting to transfer him to Velankanni Police Station, where his family is residing. On 01.10.2017, a male child was born to him. When his request for transfer to Vellankanni Police Station is pending, he was transferred to Idol wing of CID, Chennai for a period of 6 months on 02.10.2017 and he was asked to report for duty on 05.10.2017. But, he refused to report for duty at the Idol Wing of CID, Chennai, citing that his wife has given birth to a child and she has got some problem. But, no medical report was produced. However, as he refused to join the Idol Wing, he was transferred to Pudhupattinam Police Station on 12.10.2017. Again refusing to accept this transfer order, he filed this writ petition.

4. It is not clear, how the Grand-II Police Constable citing a wrong reason that his wife had given birth to a child on 01.10.2017, can keep on renewing his request for transfer to go to the place where his family is residing, without even reporting for duty in compliance of the transfer order passed by the respondent. Hence, this Court is not inclined to entertain the writ petition. There is no merit in the writ petition.

Accordingly, the writ petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

सत्यमेव जयते

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

SSV

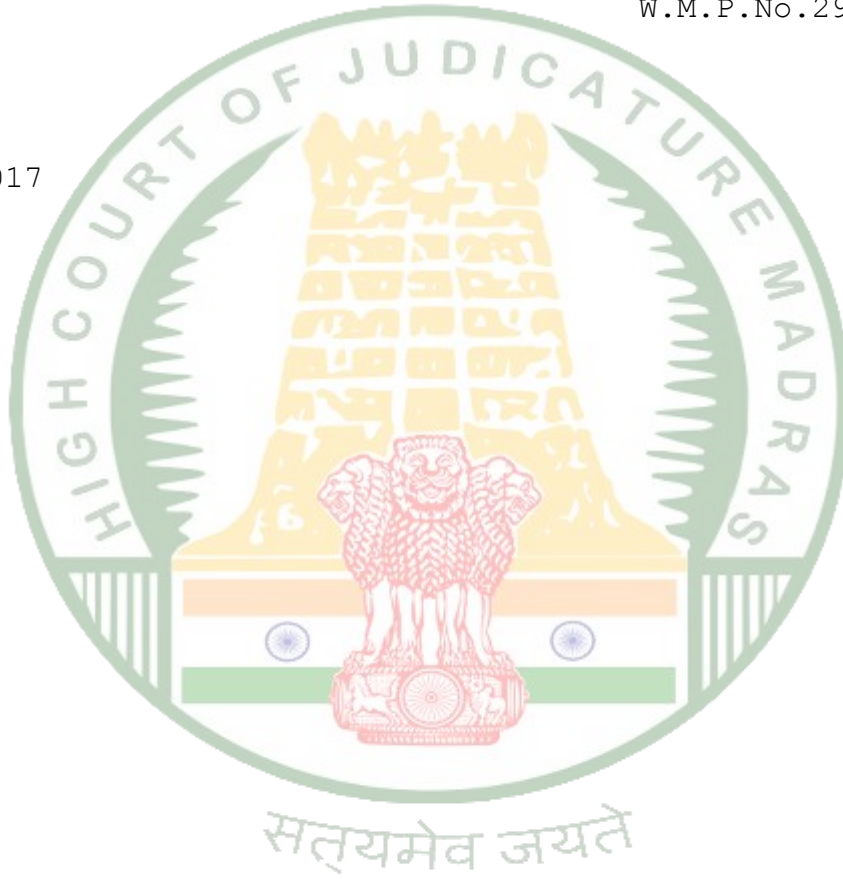
To

The Superintendent of Police,
Nagapattinam District.

+1 cc to the Govt Pleader High Court Madras sr 77365
+1 cc to M/s.M.Muthappan Advocate sr 76805

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sj (co)
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