

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.07.2017
CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
WRIT PETITION No.18855 of 2017
and
W.M.P.No.20379 of 2017

M.Ranjith ... Petitioner
Vs.

1. The Additional Director General of Police (L & O),
Mylapore, Chennai - 600 004.
2. The Inspector General of Police,
West Zone, Coimbatore.
3. The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore.
4. The Superintendent of Police,
Tirupur District. ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order of the 4th Respondent Relieving Order vide D.O.503/2017, Rc.No.A1/16620/2017-1 dated 21.06.2017 and quash the same and consequently direct the 1st and 2nd Respondent to post the petitioner as Inspector of Police to any position in and around Coimbatore City or Coimbatore District.

For Petitioner : Mr.A.Mohan
For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

सत्यमेव जयते
O R D E R

The order of relieving issued by the 4th respondent in proceeding dated 21st June, 2017 is under challenge in this writ petition. The petitioner is working as Inspector of Police in Avinashi Crime Police Station, Tiruppur District. On perusal of the transfer order impugned in this writ petition dated 21st June, 2017, it is seen that the Deputy Superintendent of Police, Avinashi Sub-Division, Tiruppur District, submitted a report and based on the report, the writ petitioner is transferred from Avinashi Crime Police Station to Greater Chennai Police in the existing vacancy on administrative Grounds. The transfer order was issued by the Chief Office in

proceeding dated 17.06.2017 and pursuant to the said transfer order issued by the Chief Office, the relieving order was issued on 21st June, 2017. The transfer order dated 17.06.2017 is not under challenge in this writ petition. Contrarily, the writ petitioner has chosen to challenge only the relieving order. Thus, the relieving order issued pursuant to the transfer order cannot be challenged and even, if such an order is quashed, the transfer order stands correct and therefore, the relief itself is misconceived and inappropriate.

2. The transfer issued against the writ petitioner is on administrative grounds and based on the report submitted by the Deputy Superintendent of Police, Avinashi Sub-division, Tiruppur District. Such administrative transfers more specifically in police force cannot be interfered with by the Court. Transfers are incidental to service, more so, it is a condition of service. Especially, in uniformed services, such transfers are issued considering various factors including discipline. Thus, this Court cannot interfere with such transfer orders in a routine manner or issue any direction to reconsider the order. Such an exercise will certainly affect the very effective functioning of the administration in uniformed services. It is for the Government to decide these aspects in order to maintain discipline and to run the administration effectively. This being the view taken by this Court in the matter of transfers, the question of considering the case of the writ petitioner on sympathetic grounds does not arise at all.

3. The learned counsel appearing for the writ petitioner contended that the wife of the writ petitioner is suffering from serious ailment, but such submissions has to be made before the competent authorities in order to get any nearby place. But, this Court cannot issue any such recommendatory order to reconsider the transfer on the ground of personal inconveniences and the writ Jurisdiction cannot be exercised for this purpose. This Court is firm on this view and thus, no further consideration in this writ petition is required to be undertaken.

4. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

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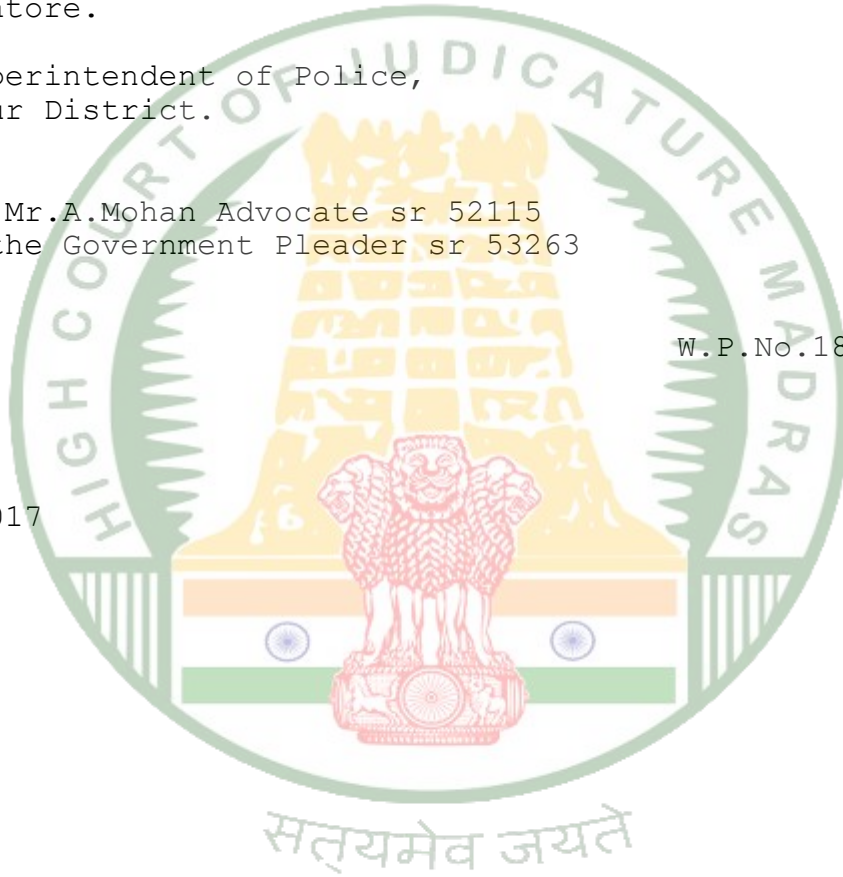
To

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2. The Inspector General of Police,
West Zone, Coimbatore.
3. The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore.
4. The Superintendent of Police,
Tirupur District.

+2 ccs to Mr.A.Mohan Advocate sr 52115
+1 cc to the Government Pleader sr 53263

W.P.No.18855 of 2017

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