

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3693 of 2018 and
WMP.Nos.4516 and 4517 of 2018

V.Vasanthakumar

...Petitioner

Versus

1. The Additional Director General of Police/
Inspector General of Prisons,
No.1, Whannels Road,
Egmore-Chennai-8.
 2. The Superintendent of Prisons,
Central Prison, Coimbatore.
- ... Respondents

Prayer:

Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records leading to the Proceedings No.25321/EW3/2017 dated 10.1.2018 issued by the 1st respondent and consequential, relieving orders issued in Proceedings 2438/G1/2017 dated 10.1.2018 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.J.E.Selvin Albert Holmes

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

This Writ Petition has been directed against the impugned order of transfer dated 10.1.2018 passed by the 1st respondent herein, namely, the Additional Director General of Police/Inspector General of Prisons, Chennai, transferring the petitioner on administrative ground from Central Prison, Coimbatore to Central Prison, Vellore in an existing vacancy.

2. Learned Counsel for the petitioner submitted that the petitioner was initially appointed as Grade II Warder in the Prison Department on 15.4.2002 and thereafter, he was promoted as Grade I Warder on 30.10.2016. On his promotion as Grade I

Warder, he was posted from Borstal School, Pollachi to Central Prison, Coimbatore w.e.f. 30.10.2016 and continuing as such till date. In this background, the grievance of the petitioner is that when he was posted at Central Prison, Coimbatore on 30.10.2016, he has not even completed 3 years of service in that place and his elder son V.Saravana Kumar is studying in V Standard and his younger son V.Sandana Kumar is studying in III Standard in the Air Force School, Coimbatore in the academic year 2017-2018, in view the impugned transfer order passed during the middle of the academic year, the petitioner and his family members are going to face great prejudice and inconvenience. Therefore, a direction be issued not to disturb the petitioner at least till the completion of this academic year.

3. Heard the learned Special Government Pleader appearing for the respondents.

4. This Court is unable to entertain the Writ Petition. The reason is when the petitioner is serving as Grade I Warder, he has to make suitable arrangements till the academic year comes to an end, if he wants to shift the residence from Coimbatore to Vellore. Without taking such a course, he cannot come to this Court to quash the impugned order of transfer. Further, it is the well settled principle that the transfer is not only an incident of service, but it is also a condition of service and no doubt, when the petitioner being a State Government Servant, he has been transferred on administrative ground. That apart, the impugned order of transfer clearly shows that the 2nd respondent to relieve the petitioner immediately by making local arrangements and accordingly, the 2nd respondent also has issued a relieving order dated 10.1.2018 to the petitioner and therefore, he has to comply with the order of transfer which has been passed on administrative ground.

5. With the above observation, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Director General of Police/
Inspector General of Prisons,
No.1, Whannels Road,
Egmore-Chennai-8.
2. The Superintendent of Prisons,
Central Prison, Coimbatore.

+lcc to the Government Pleader, S.R.No.13217

W.P.No.3693 of 2018

SR(CO)
CS/22/03/18



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