

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.212 of 2018
and
C.M.P.No.1610 of 2018

A.Vijayasekaran ... Appellant/Petitioner/Petitioner

-vs-

The Superintendent of Police,
Nagapattinam District. ...Respondent/Respondent/Respondent

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.27719 of 2017 and W.M.P.No.29675 of 2017 dated 30.10.2017.

WP.No.27719 of 2017:Writ Petition filed under Article 226 of Constitution of India praying for a 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 quash the same and direct the respondent to consider the petitioners representations dated 26.9.2017 and 16.10.2017 and transfer him to Velankanni Police Station on medical grounds

For Appellant :: Mr.M.Muthappan

For Respondent :: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT
(Delivered by RMT.TEEKAA RAMAN, J.)

This writ appeal has been filed challenging the order passed by the learned single Judge in W.P.No.27719 of 2017 on 30.10.2017 rejecting the prayer made by the appellant herein to quash the order passed by the respondent herein, transferring the appellant to Pudhupattinam Police Station.

2.In the order passed by the learned single Judge it has been observed that the appellant cannot 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.

3.Today, it is represented by the learned counsel for the appellant that the appellant has joined duty in the place where he has been transferred, viz.Pudupattinam Police Station. He further submitted that the said place is 100 Kms away from the appellant's native place. He also submitted that the appellant's wife is ailing and in that regard a representation dated 26.09.2017 has already been submitted by the appellant to the respondent, for considering him to be posted at Velankanni Police Station.

4.The learned Special Government Pleader appearing for the respondent has submitted that when the appellant was transferred to Idol Wing of CID, Chennai, he refused to report for duty in that place and subsequently, he was transferred to Pudupattinam Police Station. He further submitted that the representation made by the appellant on 26.09.2017 will be considered by the respondent in accordance with law.

5.After hearing the learned counsel on either side, in the interest of justice, the respondent police is directed to consider the representation dated 26.09.2017, made by the appellant requesting to transfer him to Velankanni Police Station, taking note of the health condition of his wife and pass appropriate orders on the said representation, within a period of six weeks from the date of receipt of a copy of this judgment.

6.The writ appeal is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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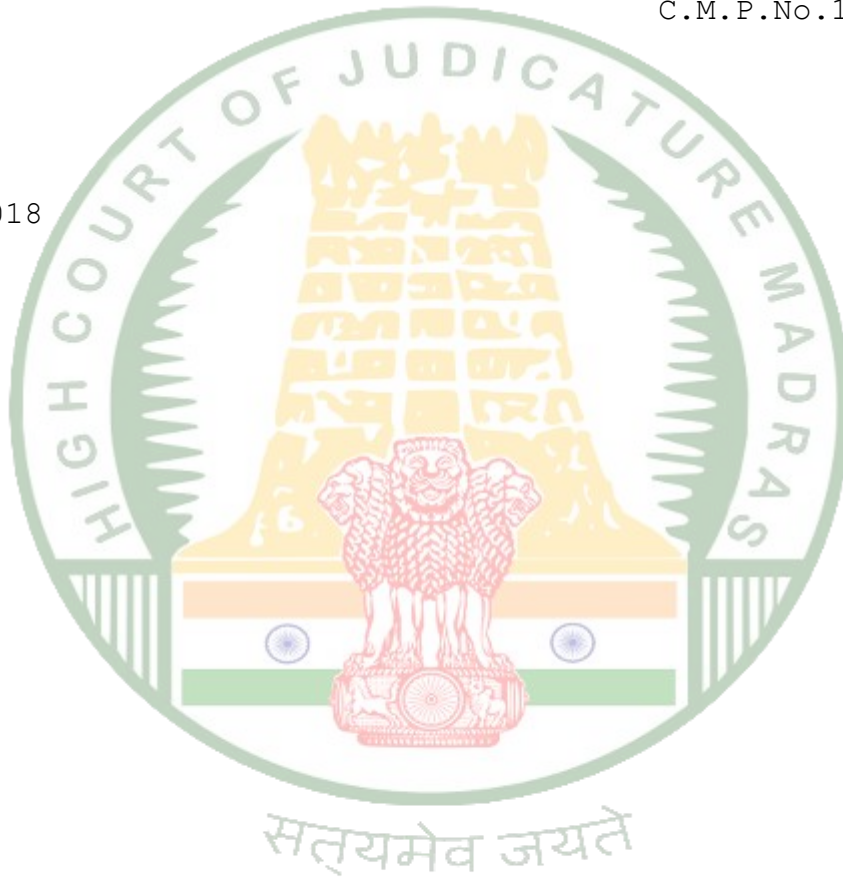
1.The Superintendent of Police,
Nagapattinam District.

+1 cc to the Govt Pleader sr 21849

+1 cc to Mr.M.Muthappan Advocate sr 21135

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