

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.1246 of 2018 and
WMP.No.1555/2018

P.Selvin Devadhas

...Petitioner

Versus

1. The Additional Director General of Police,
and Inspector General of Prisons,
Egmore, Chennai-8.

2. The Superintendent of Prisons,
Central Prison II, Puzhal,
Chennai-66.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent that pertaining to the Proceedings No.166/G1/2018 dated 11.1.2018 to quash the same and issue consequential directions to the 2nd respondent to retain the petitioner at the office of the 1st respondent or alternatively transfer the petitioner to the post available at Nanguneri or Nagercoil.

For Petitioner : Mr.M.Ravi

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

ORDER

Challenging the Proceedings No.166/G1/2018 dated 11.1.2018 of the 2nd respondent, thereby transferring the petitioner, Chief Grade Warder from Central Prison, Puzhal to the Central Prison Vellore, the present Writ Petition has been filed.

2. Learned Counsel for the petitioner submitted that the petitioner while showing his devotion to duty, risked his life to save Jailor Elavarasan from the clutches of death, when he was attacked by Al Ummah Fundamentalists including Police Fakrudeen and 16 others in September, 2015. He suffered severe injuries and subsequently, an enquiry was also ordered in which he was arrayed as one of the witnesses in the said case. Thereafter, the petitioner also suffered with epilepsy for which

he is undergoing treatment at Ramachandra Medical College and Hospital, Porur at Chennai. This apart, his children are studying at Jain Vidyalaya at Puzhal. Therefore, his transfer to Vellore Central Prison would cause great prejudice to his family. Hence, the impugned order of transfer, leaving other long service persons, singling out the petitioner alone is arbitrary and liable to be interfered with.

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

4. This Court finds no merit in the writ petition for the reason that when the petitioner has been working in the Central Prison, Puzahl for the past 5 years, he has been transferred to Vellore Central Prison as Chief Grade Warder by way of the impugned transfer order. When it is the settled legal position that the transfer is not only a condition of service but also an incident of service, neither a State Government nor a Central Government employee can have any indispensable right to question the order of transfer passed on administrative grounds.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Director General of Police,
and Inspector General of Prisons,
Egmore, Chennai-8.

2. The Superintendent of Prisons,
Central Prison II, Puzhal,
Chennai-66.

+1cc to Mr.M.RAVI, Advocate, S.R.No. 4797
+1cc to the Government Pleader, S.R.No. 4865

W.P.No.1246 of 2018

LRS (CO)
TR(07/02/2018)