



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.978 of 2018
and W.M.P. (MD) Nos.1023 & 1024 of 2018

K.Senthurpandian

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home Department,
Secretariat, Chennai.
2. The Director General of Police,
O/o The Director General of Police,
Tamil Nadu, Chennai-600 004.
3. The Inspector General of Police,
O/o. The Inspector General of Police,
South Zone, Madurai District.
4. The Deputy Inspector General of Police,
O/o. The Deputy Inspector General of Police,
Madurai District.
5. The Superintendent of Police,
Madurai District, Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 5th respondent in his proceedings in C.No.B3/55887/332/2017 dated 29.12.2017 and quash the same as illegal.

For Petitioner	: Mr.Ajmal Khan, Senior Counsel For M/s. Ajmal Associates
For Respondents	: Mrs.S.Srimathy, Spl.G.P.

ORDER

The petitioner was working as an Assistant in the Office of the Superintendent of Police, Madurai District. He was issued with charge memo dated 24.11.2017. The allegation is that the writ petitioner indulged in unlawful activities by facilitating a



candidate in the selection process for the post of Police Constable Grade II in August 2017. Therefore, the writ petitioner was transferred from Madurai to New Delhi. Questioning the same, the writ petition came to be filed.

2. Taking note of the suggestion expressed by the Court, the writ petitioner was transferred to Poachampalli.

3. The learned Senior Counsel appearing for the writ petitioner submitted that the petitioner is having aged parents to support and therefore, he is facing hardship. The learned Senior Counsel further pointed out that the vacancies for the post of Assistant are very much available in Dindigul, Sivagangai and Virudhunagar Districts. The petitioner will be satisfied, if he posted in any one of those nearby Districts. The learned Senior Counsel appearing for the petitioner strongly contented that if an order of transfer is made administratively, the same cannot be interfered with by this Court. But it has been made punitively, this Court is bound to interference.

4. This Court finds considerable force in the said submission. It is seen that the writ petitioner was issued with the charge memo during November 2017. Therefore, the order of transfer will have to be viewed in that back-ground. However, as fairly conceded by the petitioner himself, and in the interest of justice, the writ petitioner can be directed to serve in Pochampalli for two more months and thereafter, he may be transferred in any one of the three Districts as mentioned above.

5. With these observations, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Home Department,
Secretariat, Chennai.

2. The Director General of Police,
O/o The Director General of Police,
Tamil Nadu, Chennai-600 004.

3. The Inspector General of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
O/o. The Inspector General of Police,
South Zone, Madurai District.



4. The Deputy Inspector General of Police,
O/o. The Deputy Inspector General of Police,
Madurai District.

5. The Superintendent of Police,
Madurai District, Madurai.

+ 1 CC TO M/s.AJMAL ASSOCIATES, ADVOCATE IN SR No. 58573

GNS

TE/KKR/SAR-1 : 04/07/2018 : 3P/7C

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