

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 18.04.2018

**CORAM:****THE HON'BLE MR.JUSTICE R.SURESH KUMAR****W.P. (MD) No.8272 of 2018****and****W.M.P. (MD) Nos.7845 & 7846 of 2018**

A.Devasahayam

...Petitioner

Vs.

- 1) The Chief Security Commissioner,  
O/o Railway Protection Force,  
Moore Market Complex,  
Southern Railway, Chennai - 3
- 2) The Deputy Security Commissioner,  
Office of Deputy Security Commissioner,  
Railway Protection Force,  
Trichirapalli.
- 3) The Inspector,  
RPF,  
Mayiladuthurai junction,  
Mayiladuthurai.

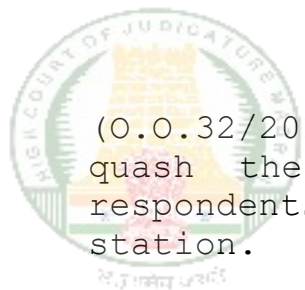
... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling the entire records from the 2nd and 3rd respondent pertaining to No.SXT/P.677/HC/Ad/2018 (O.O.32/2018) Dt.10.04.18 and MV/06/2018 dt.10.04.2018 and quash the same and consequently direct the respondents to keep the petitioner till his tenure in the present station.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.S.Manohar,  
Learned standing counsel  
for Railway Protection Force.**O R D E R**

The prayer sought for in this Writ Petition is to issue a Writ of Certiorarified Mandamus, calling the entire records from the 2nd and 3rd respondents pertaining to No.SXT/P.677/HC/Ad/2018



(O.O.32/2018) dated 10.04.18 and MV/06/2018 dated 10.04.2018 and quash the same and consequently, issue a direction to the respondents to keep the petitioner till his tenure in the present station.

2. I have heard Mr.R.Ramasamy, learned counsel for the petitioner and Mr.S.Manohar, learned standing counsel for the Railway Protection Force.

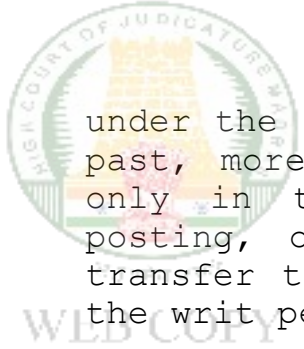
3. The petitioner was initially appointed as a Constable and later he got promoted to the post of Head Constable. From the date of appointment, he had been working in the following stations:-

| Sl.No. | Year            | Place        |
|--------|-----------------|--------------|
| 1      | 1991 - 1996     | Trichy       |
| 2      | 1996 - 2001     | Tanjavur     |
| 3      | 2001 - 2005     | Kumbakonam   |
| 4      | 2005 - 2011     | Trichy       |
| 5      | 2011 - 2016     | Tanjavur     |
| 6      | 2016 - till now | Myladuthurai |

4. When that being so, in the present impugned order passed by the respondents, the petitioner has been transferred from Mayiladuthurai to Tiruvannamalai District. Challenging the said impugned order of transfer, the present writ petition has been filed.

5. Mr.R.Ramasamy, learned counsel for the petitioner would submit that the said order of transfer is a premature one, since the petitioner has not completed five years period in the present station. Secondly, he submits that there is a pendency in the disciplinary proceeding initiated against the petitioner. When that being so, the petitioner cannot be transferred, as, when a person is transferred from a place, where disciplinary proceeding is pending against him, it may lead to diluting the witnesses, who may not be in a position to depose, against the official against whom, departmental enquiry is pending. Based on the two grounds, the learned counsel for the petitioner is assailing the impugned order in the present writ petition.

6. Per contra, Mr.S.Manohar, learned standing counsel for the respondents/Railway Protection Force, would submit that the petitioner from the date of appointment, has been either posted to Trichy Revenue District or Tanjavur Revenue District, as his posting place is likely to be either Trichy or Tanjavur or to places like Kumbakonam, Mayiladuthurai which also come



under the said composite districts of Tanjavur. Therefore, for the past, more than 25 years, the petitioner has been given posting only in these stations and for the first time, the present posting, on administrative grounds, has been made, by way of transfer to Tiruvannamalai District, which is being challenged by the writ petitioner.

7. Learned standing counsel for the respondents would further submit that, since the petitioner is under disciplinary force and whenever such posting is given, the member of the disciplinary force must accept and be ready to work even, in case of contingency, at remote and far away places of posting, which also, shall not be repulsed by a member of the disciplinary force.

8. I have heard the submissions made by the counsel on either side and also perused the materials placed on record.

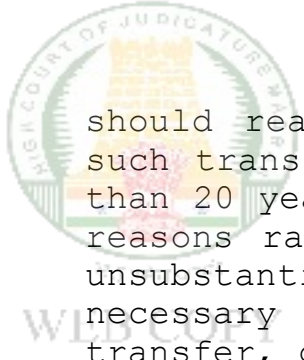
9. As rightly pointed out by the learned standing counsel for the respondents, the petitioner was being posted, for more than two decades, only in the districts of Trichy and Tanjavur, and he has never been posted beyond the jurisdiction limits of the composite districts of Trichy or Tanjavur, right from the date of his appointment.

10. For the first instance, the said transfer has been given to Tiruvannamalai district and the petitioner has given a huge cry stating that, it is a premature transfer, as he has already been transferred to Mayiladuthurai, where he has been working only for a period of two and a half years, which is less than five years.

11. The petitioner might have been posted in the year 2016 at the present station Mayiladuthurai. However, prior to that posting, for the past 20 years period, either he has working in Tanjavur district or Trichy district and he was not posted in any other place. Therefore, such a plea cannot be accepted in the present writ petition.

12. Moreover, another reason cited by the learned counsel appearing for the petitioner, that, during the pendency of disciplinary proceedings, the petitioner shall not be transferred, is not even worthy to be considered, because for the simple reason that, if at all disciplinary proceedings is initiated, the incumbents or employee against whom the disciplinary proceedings is initiated, would be given posting not in the same station but in some other station. Therefore, the said plea also cannot be raised by the petitioner against the transfer order which is given on administrative grounds.

<https://hcservices.ecourts.gov.in/hcsproceedings> 13. As rightly pointed out by the learned standing counsel for the respondents, the petitioner is a member of the disciplined force and therefore, whenever his service is required or called for, he



should readily accept and go and he should not agitate against such transfer, that too, after having served for a period of more than 20 years in the same division or locality. Therefore, all the reasons raised by the petitioner assailing the impugned order is unsubstantiated and therefore, this Court feels that it is not necessary to show any indulgence in the impugned order of transfer, dated 10.04.2018, passed by the respondents.

14. Accordingly, the present Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

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Mayiladuthurai junction,  
Mayiladuthurai.

+ 1 cc TO Mr.S.Manohar , Advocate in SR No. 62360

sts  
AE/SV MMS/SAR1/08.06.2018/4P/5C

Order in  
W.P. (MD) No.8272 of 2018  
18.04.2018