



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.02.2018**

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.21906 of 2015

&

MP (MD) Nos.1 & 2 of 2015

and

WP (MD)No.2391 of 2018

&

WMP (MD)No.2605 of 2018

S.Balasubramanian

... Petitioner in both cases

Vs.

1. The Superintendent of Police,
District Crime Record Bureau,
Thanjavur,
Thanjavur District.

... First respondent
in both cases

2. The Deputy Superintendent of
Police,
District Crime Record Bureau,
Thanjavur District.

3. The Chairman,
Regional Medical Board,
Thanjavur Medical College,
Thanjavur.

...2nd and 3rd respondents
in WP(MD)No.2391 of 2018

Prayer in WP(MD)No.21906 of 2015 : Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the respondent in connection with the impugned order passed by him in D.O.No.1581/2015 Rc.No.A1/47635/2015 dated 03.12.2015 and quash the same and grant such other further relief.

Prayer in WP(MD)No.2391 of 2018 : Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to allow the petitioner to join his duties as Head Constable, District Crime Records Bureau at Thanjavur as per the Medical Fitness Certificate issued by the Government Doctor dated 13.09.2017 and 02.02.2018 and consequently to regularize his leave period with all monetary and attendant benefits.

For petitioner

in both cases

: Mr.C.Jeganathan

For Respondents

in both cases

: Mr.M.Jeyakumar,

Additional Government Pleader

**ORDER****WP(MD)No.21906 of 2015 :**

The petitioner was working as a Head Constable in District Crime Record Bureau, Thanjavur. He was transferred and posted to Tamil University Police Station on adverse grounds. The same is challenged in WP(MD)No.21906 of 2015.

2.This Court is not inclined to interfere with the said order of transfer. The petitioner has been transferred only within Tanjore District limits. Therefore, no interference is called for. It is true that the expression "adverse grounds" is mentioned. But, still the petitioner has not really been put to any real prejudice. Therefore, WP(MD)No.21906 of 2015 stands dismissed. However, it is made clear that dismissal of this writ petition will not go in the way of the authorities from considering the request of the petitioner to be transferred to Thiruvavur. No costs. Consequently, connected miscellaneous petitions are also dismissed.

WP(MD)No.2391 of 2015 :

The petitioner is suffering from serious liver problem. He had therefore gone on leave. The petitioner's health condition has now improved. He has also obtained a medical fitness certificate issued by the Regional Medical Officer, Thanjavur.

2.This Court is of the view that the said medical fitness certificate can be accepted and the petitioner can be permitted to rejoin duty. In view of the obtaining of medical certificate from the appropriate authorities, petitioner's leave period also duly regularized. The Superintendent of Police, Thanjavur District is directed to pass appropriate orders regarding the rejoining of duty by the petitioner in Tamil University Police Station forthwith.

3.This writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
District Crime Record Bureau,
Thanjavur,
Thanjavur District.



2. The Deputy Superintendent of Police,
District Crime Record Bureau,
Thanjavur District.

3. The Chairman,
Regional Medical Board,
Thanjavur Medical College,
Thanjavur.

+1cc to M/s.Veera Associates, Sr.No.48326
+1cc to The Spl.Government Pleader Sr.No.48953

SKM

VB/GT/SAR4/14/03/2018/3P/6C

**W.P. (MD) No.21906 of 2015
&
MP (MD) Nos.1 & 2 of 2015
and
WP (MD) No.2391 of 2018
&
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13.02.2018**