



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.22703 of 2018

and

W.M.P. (MD) No.20594 and 20595 of 2018

J.Karthick

...Petitioner

vs.

1. The Director General of Police,
Tamil Nadu,
Office of the Director General of Police,
Chennai-600 006.

2. The Commissioner of Police,
Madurai City, Madurai.

...Respondents

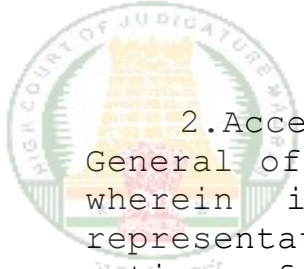
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued vide proceedings in R.C.No.28935/Rect.II(1)/2016 dated 05.08.2016 issued by the first respondent in so far as the direction issued to the unit officers that petitioner request for appointment as Sub Inspector of Police, Taluk Police is concerned and quash the same and consequently direct the respondents to appoint the petitioner as Sub Inspector of Police Taluk Police Station from Armed Reserve.

For Petitioner : Mr.Veerakathiravan,
Senior counsel for
M/s.Veera Associates

For Respondents : Mr.C.Ramar
Additional Government Pleader.

O R D E R

The case of the writ petitioner is that the petitioner was directly recruited as Sub Inspector of Police in the year 2008 vide proceedings of the Director General of Police, Chennai, dated 31.07.2016. He was considered to be appointed as Sub Inspector of Police at Taluk by transfer as one time measure. Since his wife was in the advanced stage of pregnancy at that time and his mother was not keeping good health, he has relinquished the option of being transferred from Armed Reserve to regular Taluk police.



2. Accepting his request of relinquishment, the Director General of Police has passed the impugned order dated 05.08.2016, wherein it is made very clear that while accepting the representation of the writ petitioner herein relinquishing his option of getting the transfer to Taluk, directing the Unit Officer to issue necessary endorsement in this regard indicating that in future, no request for transfer as Sub Inspector of Police (Taluk) will be considered. Now, the writ petitioner due to certain reasons, wants transfer from Armed Reserve to Taluk Police Station. Though the observation of the Director General of Police in his proceeding dated 05.08.2016 stands in the way of his transfer request, the said portion of the order is now impugned. Further, his request for transfer to Taluk has been forwarded by the Commissioner of Police vide its letter dated 28.06.2018 informing the Director General of Police, Tamil Nadu, Chennai that the writ petitioner has submitted his willingness for conversion as Sub Inspector (Taluk) by transfer and his original petition is sent for consideration to explore the possibility of conversion from Sub Inspector (Armed Reserve) to Sub Inspector (Taluk).

3. The learned Senior counsel appearing for the petitioner would submit that if there is any possibility of transfer from Sub Inspector (Armed Reserve) to Sub Inspector (Taluk), the first respondent may consider based on the letter forwarded by the Commissioner of Police, Madurai City, de hors of the order passed on 05.08.2016 which has foreclosed the option of requesting the transfer in future due to relinquishment by the writ petitioner on the earlier occasion.

4. The learned Additional Government Pleader appearing for the respondents would submit that the proceedings of the first respondent in R.C.No.28935/Rect.II(1)/2016 is the outcome of several earlier Government orders, wherein directly recruited Sub Inspector of Police during the year 2006 and appointed in the year 2008 and posted at various wings of the Tamil Nadu Police, were permitted to get transfer from one wing to other, more particularly from Armed Reserve to Taluk, subject to fulfilment of certain eligibility criteria.

5. The learned Additional Government Pleader appearing for the respondents would further submit that the writ petitioner herein was found eligible for seeking transfer and therefore, his request for transfer to Taluk was positively considered. However, the writ petitioner herein due to personal reason has relinquished the option and retained his post as Sub Inspector in Armed Reserve. While accepting his request by virtue of impugned order dated 05.08.2016, it has been made clear to the writ petitioner that no request in future for transfer will be entertained. Having <https://www.mca2013.gov.in> service, he cannot now seek for transfer based on the changed circumstances.



6. Heard the learned senior counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. Records perused.

7. This Court finds that in normal circumstances if any right being relinquished and the relinquishment is subject to restriction in future, seeking the same relief cannot be revived. Here is the case, the writ petitioner herein has relinquished his right to seek transfer in future from Armed Reserve to Taluk. While accepting his request the first respondent has made very clear that by relinquishing the right, he will be forfeiting to make similar request in future. Therefore, by virtue of the earlier proceedings dated 31.07.2016, the writ petitioner herein cannot seek for transfer.

8. However, the first respondent herein as a special case, may consider the request independently based on the request made by the writ petitioner citing the health ground of his child, who has been diagnosed for a strange disease namely, sturge weber syndrome with portwine stain right face, glaucoma right eye.

9. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/TrueCopy/

Sub Assistant Registrar(CS-IV)

To:

1. The Director General of Police,
Tamil Nadu,
Office of the Director General of Police,
Chennai-600 006.

2. The Commissioner of Police,
Madurai City, Madurai.

+1cc to M/s.Veera Associates, Sr.No.95033

+1cc to The Spl. Government Pleader Sr.No.95204

CP

VB/PM/SAR4/28.11.2018/3P/5C