

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.No.1549 of 2019
&
C.M.P.No.10655 of 2019

R.Anitha

..... Appellant/Petitioner

-vs-

- 1.The Commissioner of Police
Greater Chennai Police
Veppery
Chennai 600 007.
- 2.The Additional Commissioner of Police
Greater Chennai Police
Head Quarters, Veppery
Chennai - 600 007.
- 3.The Joint Commissioner of Police
Greater Chennai Police
East Zone, Egmore,
Chennai - 600 008.
- 4.The Inspector of Police,
J4 - Kotturpuram Police Station,
Kotturpuram
Chennai - 600 085.
- 5.The Inspector of Police
W23 - Royapettah All Women Police Station
Royapettah
Chennai - 600 014.

..... Respondents/Respondents

Write Appeal filed under Clause 15 of Letter Patent against the order in W.P.No.9816 of 2018 dated 14.02.2019 on the file of the High Court of Judicature at Madras.

WP.NO.9816/2018:

Writ Petition filed under Article 226 of the Constitution of India praying th issue a Writ of Certiorari to call for the records relating to the impugned order of transfer vide Rc. No. Estt.I / EZ / 39 / 595 / 2018-16 EZO No. 211 / 2018 dated 05.04.2018 on the file of the 3rd respondent and quash the same in so far as the Petitioner is concerned.

For Appellant : Mr.A.Prakash

For Respondents: Mrs.A.Sri Jayanthi,
Special Government Pleader

J U D G M E N T

[Judgment of the Court was delivered by P.T.ASHA,J.]

This Intra-Court appeal is filed by the Writ petitioner challenging the dismissal of her Writ Petition seeking the issue of a Certiorari to quash the order passed by the 3rd respondent, transferring the Writ petitioner to M5 - Ennore Police Station in the same post of Sub-Inspector. The parties are arrayed in the same litigative status as in the Writ Petition. The brief facts are as follows:

2.The Writ petitioner was selected as a Sub-Inspector of Police by way of a direct selection in the year 2011. She had been posted at Tuticorin District for training for a period of six months and thereafter in the year 2012, she had been appointed at Chennai as Sub-Inspector, where she had served in the following Police Stations for the following periods:

- i)D3 - Ice House Police Station L&O from 2012 to 2013.
- ii)E1 - Mylapore Police Station (Crime) from 2013 to 2014.
- iii)D5 - Marina Police Station L&O in the year 2014.
- iv)J4 - Kotturpuram Police Station L&O from 2014 to 2017.
- v)W23 - Royapettah All Women Police Station from October, 2017 till the date of filing of the Writ Petition.

3.The Writ petitioner would contend that the 3rd respondent wantonly transferred her to the M5 - Ennore Police Station, though she was pregnant and had also been suffering from

Diabetics since the year 2016. The Writ petitioner would allege that her husband, who is an Investigative Journalist had brought out the corrupt practices of the then Inspector and Sub-Inspector of Police of the J4 - Kotturpuram Police Station and the transfer was a sequel to this and therefore a vindictive one.

4.The representations made by the Writ petitioner to the 2nd and 3rd respondents did not yield any fruitful result. The Writ petitioner would also contend that during her seven years of service, she has no adverse remarks and has a blemishless record to her credit. Therefore the transfer order which was made with a malafide intention has to be set aside.

5.The Writ petitioner had therefore filed W.P.No.9816 of 2018 and though a status quo order was granted on 20.04.2018 till 24.04.2018, the Writ petitioner would contend that by issuing an errata the 3rd respondent directed the Writ petitioner to report to M5 Ennore Police Station.

6.The learned single Judge by his order dated 14.02.2019, dismissed the Writ Petition holding as follows:

"11.This being the factum of the case, now, the present transfer issued in the proceedings dated 05.04.2018, transferring the writ petitioner from Kotturpuram to Ennore is under challenge, this Court has no hesitation in holding that there is no reason whatsoever to intervene with the order of administrative transfer and if at all, any personal grievances exists to the writ petitioner, she is at liberty to approach the competent authorities for the purpose of redressal and her grievances. Contrarily, this Court cannot entertain a writ petition in this regard."

7.It is challenging this order that the Writ petitioner is before this Court. Heard the counsel appearing for the appellant and the Government Pleader.

8.It is evident that the transfer order issued to the Writ petitioner is a routine administrative transfer and not a vindictive transfer as alleged by her. She was accommodated well within Chennai city limits. Therefore there is no reason as to why this Court should set aside the transfer order made in the routine course of administration.

We do not find any infirmity in the order passed by the learned Single Judge in W.P.No.9816 of 2018 dated 14.02.2019. The Writ Appeal therefore stands dismissed. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To,

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Royapettah
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+1cc to Mr.S.Kumara devan, Advocate sr.46011
+1cc to Government Pleader sr.46901

W.A.No.1549 of 2019 &
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br(co)
nr 13/08/2019