



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2019

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THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.17370 of 2019 &
W.M.P.Nos.16866 & 16869 of 2019

S.Rajasekhara Reddy

.. Petitioner

versus

1. The Union of India,
rep. by its Secretary to Government,
Ministry of Home Affairs,
New Delhi-110 001.

2. The Director General,
Central Industrial Security Force,
CGO Complex, Lodhi Road,
New Delhi-600 003.

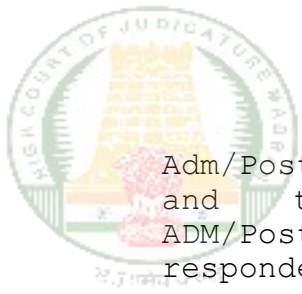
3. The Inspector General,
CISF Head Quarters South Sector,
Chennai Port Trust Campus,
New War Memorial, Chennai-600 009.

4. The Assistant Inspector General,
Central Industrial Security Force,
CGO Complex, Lodhi Road,
New Delhi-600 003.

5. The Deputy Commandant/ADM,
Office of the Deputy Inspector General,
Central Industrial Security Force,
Suraksha Campus, RTC Arakkonam,
Vellore District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call all for the records relating to the Impugned Order dated 06.06.2019 passed by the 4th respondent in his Order No. E-38014/I/ (9)/IST/2019/SOS/ Order-II/ 3036 in so far as the item No.5 is concerned and the Impugned Order dated 10.06.2019 in Office Order No. E-38014/CISF/RTC(A)/



Adm/Posting/19/4174 signed on 08.06.2019 by the 5th respondent and the Movement Order No. E-38014/CISF/RTC (A)/ADM/Posting/2019/5189 dated 10.06.2019 affixed by the 5th respondent in the accommodation of the petitioner and quash the same and to direct the respondents to retain the petitioner in the RTC Arakkonam till 31.05.2020 or may be transfer in and around Chennai CISF Units considering the representation of the petitioner dated 9.4.2019 and 20.5.2019.

For Petitioner : Mr.M.Md.Ibrahim Ali
For Respondents : Mr.S.Ramesh, CGSC
for S.Makesh

ORDER

This Writ Petition has been filed by the petitioner, challenging the order of transfer of the petitioner dated 10.6.2019 along with consequential movement relieving order dated 10.6.2019 issued to the petitioner.

2. The petitioner was working as Sub-Inspector/Executive and he was promoted to the rank of Inspector/Executive in 2012. Since 2014, the petitioner has been working in CISF unit, RTC Arakkonam, Vellore, Tamil Nadu, by the impugned order, the petitioner has been transferred to Rajasthan. Earlier, the petitioner approached this Court in W.P.No.15252 of 2019 and this Court, by order dated 4.6.2019, has directed the authority to pass orders on the representations of the petitioner dated 9.4.2019 and 20.5.2019 and till an order is passed on consideration of the representations, a direction was issued not to act upon the transfer order originally issued. However, it appears that in the meanwhile, the authorities themselves have passed an order on considering the representations of the petitioner and rejected the same on 7.6.2019. Thereafter, an Office order was also issued relieving the petitioner from the post on 10.6.2019. Therefore, the petitioner once again before this Court, challenging the orders impugned in the Writ Petition.

3. Shri M.Md. Ibrahim Ali, learned counsel appearing for the petitioner would submit that without proper consideration of the representations, the authority has hurriedly considered the representation and rejected the same mechanically without due application and examination. The authority has also issued movement and relieving order immediately ostensibly for the reason that the petitioner had approached this Court earlier, seeking to challenge the transfer order. Therefore, the order relieving the petitioner from the post in pursuant to the original transfer order is passed on mala fide consideration and therefore, the same is liable to interfered with.



4. At this stage, the learned counsel appearing for the respondent/CISF, would submit that the petitioner had served in the same station for five years and completed his tenure and therefore, he has been shifted to the present place of transfer as a routine transfer and no motive could be attached to such transfer. The learned counsel would also submit that no grounds have been raised in assailing the order of transfer except stating that he has got some judicial proceedings pending in Tamil Nadu and his presence is required to attend the proceedings. Except this, no substantive issue has been raised in the Writ Petition and therefore, this Court cannot interfere with the routine order of transfer.

5. This Court considered the rival submissions and is in agreement with the submissions made on behalf of the learned counsel for the respondents. Although this Court has intervened earlier only on the ground that the representation of the petitioner was not disposed of which was made against the order of transfer, eventually, the representation was disposed of. Once the representation came to be rejected, this Court cannot further go into the fact whether such representation was properly considered. In any event, from the grounds and the issues raised in the Writ Petition, no compelling reasons are found for this Court to interfere with the order of transfer. As rightly contended by the learned counsel for the respondents, the only point that impresses upon this Court by the learned counsel for the petitioner is that the petitioner is facing judicial proceedings at the instance of his estranged wife and his presence is required to attend the Court hearings. This cannot be the reason to interfere with the order of transfer when such transfer order is made on routine basis.

6. For the above said reasons, this Court finds no merit in the Writ Petition. Hence, the Writ Petition stands dismissed as devoid of merit. No costs. Consequently, connected WMPs are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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TO:

1. The Secretary to Government,
Ministry of Home Affairs,
Union of India,
New Delhi-110 001.

2. The Director General,
Central Industrial Security Force,
CGO Complex, Lodhi Road,
New Delhi-600 003.

3. The Inspector General,
CISF Head Quarters South Sector,
Chennai Port Trust Campus,
New War Memorial, Chennai-600 009.

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5. The Deputy Commandant/ADM,
Office of the Deputy Inspector General,
Central Industrial Security Force,
Suraksha Campus, RTC Arakkonam,
Vellore District.

+1cc to Mr.S.Makesh, Additional Central Government Standing
Counsel, sr.51473

W.P.NO.17370 OF 2019

spd(co)
nr 22/08/2019