

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33915 of 2019
and

WMP Nos.34478 & 34482 of 2019

R.Dharmalingam

... Petitioner

.Vs.

1.The Director General of Police,
Tamilnadu, Chennai.

2.The Superintendent of Police,
Erode District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of transfer passed by the 2nd respondent Vide his Office Proceedings No.D.No.1076/2019, C.No.A2/037198/2019 dated 23.11.2019 transferring the petitioner to Ramanathapuram District and quash the same.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.S.Suresh Kumar
Government Advocate

ORDER

The present writ petition has been filed challenging the order of transfer passed by the 2nd respondent by his proceedings dated 23.11.2109.

2.It is seen from records that the petitioner is working as a Grade-II Police Constable. He was working at Kadampur Police Station at Erode. The 2nd respondent has passed the impugned order of transfer, transferring the petitioner to Raamanathapuram District. A look at the impugned order shows that the transfer had been made on administrative grounds.

3.Mr.I.C.Vasudevan, learned counsel for the petitioner submitted that the transfer has been made in the middle of the

academic year and the petitioner will face serious hardships by dislocating the family at the middle of the academic year. That apart, the petitioner had made certain complaints on the illegal activities of the Sub Inspector of Police and Special Sub Inspector of Kadampur Police Station, and the same has resulted in the transfer. Therefore, the learned counsel submitted that the present transfer is in the nature of a punishment.

4.Mr.S.Suresh Kumar, learned Government Advocate appearing on behalf of the respondents submitted that the petitioner is a Grade-II Police Constable and his services are subject to transfers. On administrative grounds, the petitioner has been transferred to Ramanathapuram therefore the transfer order does not suffer from any illegality and the same should not be interfered by this Court.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.It is clear from the transfer order that the petitioner has been transferred to Ramanathapuram District and he has been directed to report before the Superintendent of Police, Ramanathapuram District. This Court does not find any grounds to interfere with the transfer order. If at all the petitioner is facing any hardships, it is always be left open to the petitioner to go and report before the Superintendent of Police, Ramanathapuram District, and joint duty and thereafter make a representation to the Appropriate Authority by expressing the difficulties faced by him. On such representation, the Appropriate Authority will consider the same and pass suitable orders. Except giving this liberty, this Court is not inclined to interfere with the transfer order passed by the 2nd respondent. It is made clear that unless the petitioner joins duty at Ramanathapuram, he will not be entitled to give any representation and the Appropriate authority need not consider his representation and joining duty at Ramanathapuram is made a condition precedent for the petitioner to give the representation.

In the result, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director General of Police,
Tamilnadu, Chennai.

2.The Superintendent of Police,
Erode District.

+1 cc to M/s.I.C.Vasudevan, Advocate Sr.No. 101036

AKM/09.12.19/3P-4C /

W.P.No.33915 of 2019



WEB COPY