



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.14045 of 2015
and
M.P. (MD) Nos.1 to 3 of 2015

P.Sivakumar

... Petitioner

-Vs-

1. The Inspector General of Police,
Central Zone, Trichy.

2. The Deputy Inspector General of Police,
Trichirappalli Range,
Trichirappalli.

3. The Superintendent of Police,
Karur District, Karur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned orders bearing C.No.A1/5184-1/1GP/CZ/2015 dated 15.06.2015 passed by the first respondent r/w R.O.No.129/2015 C.No.A1/4761/2015 dated 15.06.2015 passed by the second respondent r/w D.O.No.301/2015 C.No.A1/14161/2015 dated 16.06.2015 passed by the third respondent and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader.

ORDER

The order of transfer, transferring the writ petitioner from Karur Armed Reserve, Karur to Perambalur District, is under challenge in the present Writ Petition.

2.The impugned order of transfer has been issued by the Inspector General of Police, Central Zone, Trichy in proceeding dated 15.06.2015.

3.The learned Additional Government Pleader appearing on behalf of the respondents states that the order of transfer was stayed and pursuant to the interim order of this Court, dated 07.08.2015, the writ petitioner is continuing in the same Station for more than four years. Even before passing of the impugned order, the writ petitioner was working in the same Station and



therefore, he had already served more than 8 years in the present Station.

4. Transfer is an incidental to service, more so, a condition to service. The writ petitioner is serving in the Armed Force. Armed Force Personnel cannot be retained in one place for many years. Maintenance of discipline in armed force is of paramount importance. Thus, the authorities competent are transferring all these armed personnels periodically by following the guidelines issued by the Government. Undoubtedly, the order of transfer is to be issued only on administrative grounds and on genuine reasons. If any order of transfer is issued on *mala fide* ground, then alone, an aggrieved person can challenge the same. Even in case of raising the allegation of *mala fides*, the authority against whom such an allegation is raised, has to be impleaded as a party respondent in the writ proceedings in his personal capacity.

5. The writ petitioner is serving as Head Constable. Therefore, the transfers are inevitable. Once the police person accepted the offer of appointment, his duties are bound by the conditions service, so also transfer from one place in the interest of public administration. The High Court cannot interfere with the routine administration of the Police Department. The authorities competent are the best persons to ascertain the situation and accordingly, pass transfer orders for the effective and efficient functioning of the police force.

6. This being the principles to be followed the administrative transfer cannot be interfered with. As far as the present Writ Petition is concerned, the writ petitioner has already been completed more than 8 years of service in the present Station and there is no impediment for the officials to transfer the writ petitioner to any other place in the interest of public administration and on administrative ground not otherwise.

7. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector General of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Central Zone, Trichy.



2. The Deputy Inspector General of Police,
Trichirappalli Range,
Trichirappalli.

3. The Superintendent of Police,
Karur District, Karur.

+1 CC to SPL GP (SR-75087[F] dated 12/07/2019)

W.P(MD)No.14045 of 2015
11.07.2019

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MK (24.07.2019) 3P 5C