

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

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THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.4691 of 2020

B.Pushparaj

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Petitioner

Vs.

1.The Director General of Police,
Kamarajar Salai,
Tamil Nadu,
Chennai - 600 004.

2.The Office of the Joint
Commissioner of Police,
East Zone, Egmore,
Chennai - 600 008.

3.The Office of the
Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

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Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the representations dated 14.12.2019 and 07.01.2020.

For Petitioner : Mr.Prakash Goklaney

For Respondents : Mr.M.D.Ilayaraja
Government Advocate

ORDER

The writ petition has been filed to direct the respondents to consider the representations of the petitioner dated 14.12.2019 and 07.01.2020.

2. The petitioner is a Head Constable working under the control of the respondents. His grievance is that he has been transferred abruptly on 04.12.2019 by the third respondent on

the "administrative grounds" from Veperi, Chennai to Vellore District.

3. According to the petitioner, a request was made by him by representation dated 14.12.2019 to the second respondent requesting to cancel the transfer order, in view of the fact that he was affected by cancer and taking treatment in Chennai. Subsequently, the petitioner appears to have submitted another representation dated 07.01.2020.

4. When notice was ordered, Mr.M.D.Ilayaraja, learned Government Advocate entered appearance today and submitted a copy of the proceedings of the first respondent dated 11.03.2020. The content of the proceedings reads as under:

"The petitioner Thiru B.Pushparaj, HC 32177, Greater Chennai Police was transferred to Vellore District along with seven other police personnel on administrative grounds based on the report received from the Commissioner of Police, Greater Chennai Police in Chief Office transfer order second cited.

2.Now the petitioner Thiru P.Pushparaj, HC 32177 in his representation third cited, requested to cancel the transfer order stating that he is taking treatment for cancer and to look after his aged mother and child.

3.Since the petitioner was transferred on administrative grounds based on the report from the Commissioner of Police, Greater Chennai Police, his request for cancellation of transfer order is not feasible at this juncture. However, if he submits representation for transfer after joining in the new station the same will be considered on merits by the transfer committee."

5. The learned counsel for the respondents would submit that if the petitioner submits any representation for reconsideration of his transfer after joining in the new station the same will be considered on merits by the transfer committee.

6. The learned counsel for the petitioner would submit that the petitioner has already joined duty in the transferred place. Hence, he would request this Court to fix some time so that his grievance could be redressed by the respondents

promptly.

7. In consideration of the above submissions, this Court directs the petitioner to submit a detailed and comprehensive representation to the first respondent detailing about his health condition and seeking for re-consideration of his transfer within a period of one week from the date of receipt of a copy of this order.

8. On receipt of such representation from the petitioner, the first respondent/Competent Authority shall consider the representation of the petitioner on merits and in accordance with law. In case, the petitioner is taking treatment for cancer in Chennai, as claimed by him, the Competent Authority shall consider his claim sympathetically and pass appropriate orders within a period of four weeks thereafter and communicate the same to the petitioner.

With the above directions, this writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/
Sub Asst. Registrar

arr/nsd

To

1.The Director General of Police,
Kamarajar Salai,
Tamil Nadu,
Chennai - 600 004. सत्यमेव जयते

2.The Office of the Joint
Commissioner of Police,
East Zone, Egmore,
Chennai - 600 008.

3.The Office of the
Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

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+1 cc to the Government Pleader sr23212
+2 ccs to M/s.Prakash Goklaney Advocate sr22747

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