

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

**W.P.No.14792 of 2020
and
W.M.P.No.18382 & 18383 of 2020**

M.Shajahan

... Petitioner

Vs

1. The Superintendent of Police,
Coimbatore District,
Coimbatore.

2. The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore - 641 018.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India
praying Writ of Certiorarified Mandamus to call for the entire records
leading to passing of the Transfer and posting order dated 19.09.2020 in
D.O.No.1040/2020, C.No.A2/24678/2020 issued by the second respondent

and quash the same and consequently direct the respondents not to transfer the petitioner from the present work place viz., Thudiyalur Police Station, Coimbatore District till the petitioner's health condition returns to normal.

For Petitioner : Mr.C.Umashankar

For Respondents : Mr.J.Pothiraj
Special Government Pleader

ORDER

The matter is taken up through web hearing.

2. The case of the petitioner is that he was originally posted as Constable and thereafter, he was promoted as Head Constable and was serving in various places and further, promoted to the post of Sub-Inspector of Police. According to the petitioner that there was a complaint against him under the provisions of Prevention of Corruption Act, 1988 for having amassed disproportionate assets. An F.I.R. was also registered against him.

3. Whiles, he is being aggrieved that by proceedings dated 19.09.2020 of the 2nd respondent, he was transferred and posted in the Nilgiris District on administrative grounds. The transfer order is put to

challenge in this writ petition.

4. Mr.Uma Shankar, learned counsel for the petitioner would submit that the petitioner and his family members are being affected by Covid-19 and therefore, transferring him and posting him in the Hill station, at this juncture, would affect his health and would also affect the health of his family members. According to him, as a measure of victimisation, the present transfer order has been issued when the petitioner and his family members are facing pandemic crisis.

5. This Court is unable to appreciate the grounds of challenge in the writ petition as in the opinion of this Court, no worthy grounds have been raised for interfering with the order of transfer. Merely because the petitioner and his family members are being affected by Covid-19, it does not give the petitioner a blanket immunity from transfer to other District on administrative requirement.

6. In case, the petitioner is affected by Covid-19, it is always open to him to avail leave under various Government Orders issued on the subject matter in furtherance of slew of measures initiated by the Government of

Tamilnadu in addressing the pandemic crisis faced by the Government. On the other hand, the petitioner cannot take cover under Covid-19 and expect this Court to interfere with the orders of transfer on that ground alone. Even otherwise, this Court does not find an iota of merit or substance in the writ petition. Therefore, the Writ Petition is liable to be rejected.

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

15.10.2020

vsi

Speaking/Non-speaking

Internet : Yes/No

Index : Yes/No

To

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W.P.No.14792 of 2020

V.PARTHIBAN.J.,
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