



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.10733 of 2020

(Through Video Conferencing)

WEB COPY

S.I.Sankari

... Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai-4.

2.The Superintendent of Police,
Madurai, Madurai District.

3.The Superintendent of police,
Theni District, Theni.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 25.07.2020 seeking transfer to the District Police Office, Theni District as Superintendent in future vacancy taking into account of her health condition within the period that may be stipulated by this Court.

For Petitioner

:Mr.C.Venkatesh Kumar for
M/s.Ajmal Associates

For Respondents

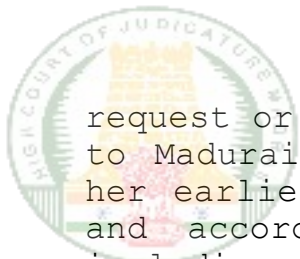
:Mr.S.Dhayalan
Government Advocate

ORDER

The prayer in the writ petition is for a writ of mandamus to direct the 1st respondent to consider the petitioner's representation dated 25.07.2020 seeking transfer to the District Police Office, Theni District as Superintendent, in future vacancy taking into account of her health condition.

2. The petitioner was working as Superintendent in the District Police Office at Theni District. Initially, it is seen that, the petitioner has given a request to the respondents, especially, the first respondent to consider her name for the inter-district transfer to transfer her to Madurai District.

3. Subsequently, due to her personal reasons and family circumstances, she has given further request to cancel the earlier



request or not to take into account the earlier request for transfer to Madurai. However, despite the said request, having been made, her earlier request had been taken into account by the respondents and accordingly, in the general transfer throughout the State including the petitioner, they issued a transfer order on 29.05.2020, by way of inter district transfer from Theni to Madurai. In the meanwhile, the petitioner has become sick and accordingly, she has been taking treatment at Theni. Therefore, in the circumstances, after joining the transferred place at Madurai, the petitioner has given representations on 01.06.2020 and 27.07.2020 to consider her request for re-transfer to Theni District in future, if any vacancy arises in Theni District. Therefore, the learned counsel for the petitioner would submit that, if the said representations are directed to be considered, as and when vacancy arises, on merits and in accordance with law by the respondents within a time frame that would suffice to the petitioner.

3. I have heard the learned Government Advocate appearing for the respondents, who would submit that, only at the request of the petitioner, she has been transferred from Theni to Madurai and she has been posted at Madurai by order dated 29.05.2020, pursuant to which, she also joined in the transferred place. Now, she has given the present request for consideration of her re-transfer to Theni District, such a sudden transfer immediately cannot be done without having any vacancy. Therefore, if at all in future any vacancy arises, depending upon the situation prevailing then, the request of the petitioner would be considered on merits and in accordance with law.

4. Having regard to the said submissions made by the learned counsel for both sides, this Court is inclined to dispose of this writ petition with the following order:

"That the respondents are hereby directed to consider the representations of the petitioner dated 01.06.2020 and 27.07.2020 with regard to her plea to transfer from Madurai to Theni on health ground and such consideration can be made whenever any vacancy arises in Theni district."

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Director General of Police,
Mylapore,
Chennai.
- 2.The Superintendent of Police,
Madurai, Madurai District.
- 3.The Superintendent of police,
Theni District, Theni.

W.P. (MD)No.10733 of 2020
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