



WEB COPY

W.P(MD).No.14738 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14738 of 2015

and

M.P (MD) .Nos.1 and 2 of 2015

I.Paulraj

... Petitioner

Vs.

1.The Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Chennai-600 003.

2.The Divisional Security Commissioner,
Railway Protection Force,
Trichy.

3.The Divisional Security Commissioner,
Railway Protection Force,
Madurai.

4.The Assistant Security Commissioner,
Disciplinary Authority
Railway Protection Force,
Trichy.

5.The Inspector of Protection Force,
Railway Protection Force,
Cash Guard/Train Escort/Trichy
Trichy.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records culminated in the impugned office order No.70/2015 dated 09.07.2015 issued by the 2nd respondent herein and quash the same so far as it relates to the petitioner's transfer and posting to Integral Coach Factory, Chennai (ICF/MAS) from Train Escort and Cash Guard, Trichirapalli (TE & CG / TPJ), 5th respondent post as arbitrary, illegal, malafide and against the provisions of Railway Protection Force, Rules-1987 and Directive No.32 dated 18.09.2014 issued by the Director General of Railway Protection Force.

For Petitioner : Mr.Y.Krishnan

For R1 to R5 : Mr.A.Uthaman



ORDER

The impugned order of transfer, dated 09.07.2015, issued by the second respondent is under challenge in the present writ petition.

2.The writ petitioner joined Railway Protection Force, Southern Railway as a constable and he was posted at Central work shop Ponmalai, during the year 2012. He was working under the control of 5th respondent at Trichirapalli Junction. On account of initiation of disciplinary proceedings, the petitioner was placed under suspension and on revocation of suspension due to administrative grounds, he was transferred and posted to ICF Chennai. The said order of transfer is under challenge.

3.The impugned order reveals that the petitioner was posted to ICF/MAS on revocation from suspension with immediate effect on administrative grounds against the existing vacancy. Thus, the order of transfer was issued on administrative grounds which cannot be normally questioned.

4.The transfer is an incidental to service. Moreso, a condition of service. An employee is bound to work wherever he is posted. More specifically, the petitioner is working in a uniformed service, utmost discipline in uniformed service is of paramount importance. The petitioner on revocation of suspension was posted to ICF Chennai on administrative grounds and there is no reason to interfere with the order of such transfer.

5.The learned counsel appearing on behalf of the writ petitioner as well as the respondents brought to the notice of this Court that the writ petitioner has not joined the transferred place and he is an unauthorized absentee. The learned counsel appearing for the respondents brought to the notice of this Court that the whereabouts of the writ petitioner is not known and he has not joined the duty either at Trichy or Madras.

6.This being the factual decision, the case of the writ petitioner deserves no merits for consideration and if at all he is interested, he has to first report to the duty and join in the transferred place. If any personal grievances, it is left open to him to approach the competent authority.

7.With these observations, this Writ Petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



- 1.The Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Chennai-600 003.
- 2.The Divisional Security Commissioner,
Railway Protection Force,
Trichy.
- 3.The Divisional Security Commissioner,
Railway Protection Force,
Madurai.
- 4.The Assistant Security Commissioner,
Disciplinary Authority
Railway Protection Force,
Trichy.
- 5.The Inspector of Protection Force,
Railway Protection Force,
Cash Guard/Train Escort/Trichy
Trichy.

+1 CC to Mr.A.UTHAMAN, Advocate (SR-23987[F] dated 04/12/2020)

W.P. (MD) No.14738 of 2015
and
M.P (MD) .Nos.1 and 2 of 2015
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VB (21.12.2020) 3P 7C