

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7027 of 2021
(Heard through VC)

Ma.Ranjith

... Petitioner

-vs-

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

... Respondent

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondent to consider the representation dated 16.12.2020 and direct the respondent to consider transfer of petitioner to 1.District Armed force - Category-II Kovai Battalion or Palani Battalion or 2.Tamil Nadu Special Force - Kovai, Tiruppur, Erode or Ooty Category-III.

For Petitioner : Mr.M.Madhu Prakash

For Respondent : Mr.J.Pothiraj
Special Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the respondent to consider his representation dated 16.12.2020 seeking to consider transfer of petitioner to 1.District Armed force - Category-II Kovai Battalion or Palani Battalion or 2.Tamil Nadu Special Force - Kovai, Tiruppur, Erode or Ooty Category-III.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice on behalf of the respondent.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The facts of the case is that the petitioner is working as Inspector of Police South Zone (Ant Child Trafficking Unit). He has been transferred nearly 40 times in his service, due to some higher official issue and his salary has been kept on hold for a very long time. Hence, the petitioner has given a representation dated 16.12.2020 to pay the dues and requesting for transfer to 1.District Armed force - Category-II Kovai Battalion or Palani Battalion or 2.Tamil Nadu Special Force - Kovai, Tiruppur, Erode or Ooty Category-III. Even after giving the representation, he was transferred from Dharmapuri to South Zone. Hence, the petitioner is constrained to file this writ petition.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondent, the writ petition is disposed of with the following directions:

i) A direction is issued to the respondent herein to consider the representation of the petitioner dated 16.12.2020, if not already disposed of and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representations dated 16.12.2020 and this order, to the respondent forthwith;

v) The respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no

need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rsi
To

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

+1cc to the Government Pleader Sr.18422

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