



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.17666 & 17672 of 2021

and

W.M.P.Nos.18822, 18827, 18829, 18834, 18837 & 18841 of 2021

(Through Video Conferencing)

1.K.Pandiarajan

2.G.P.Giri

...Petitioners in W.P.No.17666 of 2021

3.A.Jeyakumar

4.T.Joseph

...Petitioners in W.P.No.17672 of 2021

Vs

1. The Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai - 09.

2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 04.

3. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 07.

...Respondents in both W.Ps

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the third respondent in Rc.No.Estt.2(1)/005/0305/2021-10 CPO.No.1919/2021 dated 13.07.2021 and quash the same in so far as the petitioner is concern.

For Petitioners : Mr.K.Venkataramani
(In both W.Ps) Senior Counsel
for Mr.S.Sivakumar

For Respondents :
(In both W.Ps)
For R1 & R2 : Mr.L.S.M.Hasan Fizal
Government Advocate



COMMON ORDER

The petitioners have challenged the impugned transfer order transferring them to Sivagangai, Mayiladuthurai, Thoothukudi and Tenkasi Districts respectively.

2. The impugned transfer order has been made on administrative grounds which is challenged in this writ petition on the ground that the petitioners were involved in land grabbing proceedings.

3. It is the case of the petitioners that these petitioners were recently transferred to Thirumangalam Police Station, Chennai and now have been transferred to far away places in southern Districts of Tamil Nadu in the middle of the Academic Year. It is further submitted that the respondents may therefore re-transfer the petitioners to any of the nearby police station in the neighbouring district as the impugned transfers displace the family in the middle of the Academic Year.

4. Appearing on behalf of the respondents, the learned Government Advocate for the first and second respondents submits that transfer is an incidence of service and the petitioners have to comply with the transfer order of the competent authority. It is further submitted that all these petitioners are absconding and their whereabouts are not known and therefore the transfer order should not be interfered as it would send a wrong signal to the other employees.

5. The learned Government Advocate for the first and second respondents further submits that the petitioners should first report duty and thereafter make a request for re-transfer which may be considered on merits depending upon the facts and circumstances of each case. He therefore submits that these writ petitions may be dismissed.

6. I have considered the arguments advanced by the learned senior counsel for the petitioners and the learned Government Advocate for the first and second respondents.

7. Transfer to another place is an incidence of service and Government employee does not have any choice in the matter of transfer and is required comply with the transfer orders. Courts cannot interfere with the same unless are tainted with bias and mala fide. In the matter of transfer the competent authority has wide discretion and the competent administrative authority is the only best judge to decide how to utilize the service of its employees in the best possible manner.



8. Admittedly in this case, few complaints are pending against the petitioners. The petitioners are also said to be absconding and their whereabouts are not known as on date. Considering the same, this Court is of the view that the challenge to the impugned transfer order cannot be interfered in the aforesaid facts and circumstances of the case.

9. However, liberty is given to the petitioners to file appropriate representation after they comply with the impugned transfer order and report to duty in the respective places where they have been transferred within a period of one week from the date of receipt of a copy of this order. After joining duty in the respective places where they have been transferred, they can make appropriate representation to the respondents to reconsider the decision. The respondents shall thereafter consider those petitions and dispose the same in accordance with law and exigencies of the Department.

10. These Writ Petitions stand disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

arb/nst

To

1. The Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai - 09.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai -04.



3. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 07.

+1 CC to The Government Pleader, Sr 46186.

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SVI (CO)
LS (01/10/2021)