



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.1177 of 2021

and W.M.P.(MD).No.1017 of 2021

WEB COPY

A.Kirubakaran

... Petitioner

Vs.

1.The Director General of Police / Director General
of Prisons and Correctional Services,
Whannels Road,
Egmore, Chennai - 600 008.

2.The Superintendent of Prisons,
Central Prison,
Trichy - 620 020.

3.The Superintendent,
Sub-Jail, Thuraiyur,
Trichy District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Order No.489/Po.1/2021, dated 11.01.2021 passed by the 2nd respondent and quash the same and consequently, direct the 1st respondent to retain the petitioner either at the Central Prison, Trichy or transfer the petitioner to the Sub-Jail at Sivagangai or any prison nearby Sivagangai, within a time limit to be fixed by this Court.

For Petitioner : Mr.B.Karunanithi

For Respondent : Mr.A.Muthu Karuppan
Additional Government Pleader

O R D E R

Heard Mr.B.Karunanithi, learned counsel for the petitioner and Mr.A.Muthu Karuppan, learned Additional Government Pleader, for the respondents.

2.The two grounds raised by the petitioner challenging the impugned order is that the impugned order of transfer is only a relieving order and that the transfer order was not served upon him. I am not in agreement with such a ground, since the reading of the impugned order, dated 11.01.2021, clearly states that the petitioner is transferred from the Central Prison, Trichy, to the Central Prison, Coimbatore and a copy of the same is also marked



on the petitioner. Hence, impugned transfer order cannot be termed as a reliving order.

3. Secondly, the petitioner claims the relief under G.O.Ms.No.249 Finance Department, dated 21.05.2020, by relying upon the transfer clause, where General transfers were directed to be kept on hold for the year 2020-21, to minimise the expenditure on transfer travel expenses. The G.O.Ms.No.249, Finance Department, dated 21.05.2020, was issued in the background of the Covid - 19 Pandemic. After the issuance of the Government order, there was considerable relaxation in the functioning of the Government Departments. Furthermore, the petitioner belongs to the Prison Department, for which, Administrative exigencies may arise and such a department cannot be equated with other regular Government Departments and relief on this Government Order. Nevertheless, since the pandemic situation has been considerably relaxed as on the date when the transfer order was made, the said transfer clause in the Government order may not be applicable to the petitioner.

4. The other grounds raised by the petitioner in the writ petition are not such exceptions, by which, this Court can exercise its power under Article 226 of the Constitution of India and interfere with the transfer order, which has been made on administrative grounds.

5. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

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 / Director General
of Prisons and Correctional Services,
Whannels Road,
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2.The Superintendent of Prisons,
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Trichy - 620 020.

3.The Superintendent,
Sub-Jail, Thuraiyur,
Trichy District.

+1 CC to SGP (SR-4017[F] dated 09/02/2021)

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KM (01.03.2021) 3P 5C