



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.3431 of 2021

and

W.M.P. (MD) Nos.2783,2784 & 2786 of 2021

WEB COPY

A.Sheik Ali

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.

2.The Inspector General of Police,
South Zone,
Madurai.

3.The Inspector General of Police,
Central Zone,
Trichy.

4.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

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

6.The Superintendent of Police,
Ariyalur District,
Ariyalur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issue of a ***Writ of Certiorarified Mandamus***, calling for records relating to the 1st impugned transfer order dated 13.01.2021 in D.O.No.161/2021, C.No.A2/1682/2021 passed by the 4th respondent and the consequential 2nd impugned transfer order dated 02.02.2021 in C.No.A1/555/2021/05, Z.O.No. 10/2021 passed by the 2nd respondent and the consequential 3rd impugned transfer order dated 03.02.2021 in Z.O.No.11/2021, CZ-A1/22/2021-A(CZ) passed by the 3rd respondent subsequently reinstate the petitioner in Puliয়ারাই Police Station, Tenkasi District as Grade-I, Police Constable by considering the petitioner representation dated 10.02.2021.



For Petitioner : Mr.N.Syed Ali
For Respondents : Mr.A.K.Manikkam,
Standing Counsel for State.

O R D E R

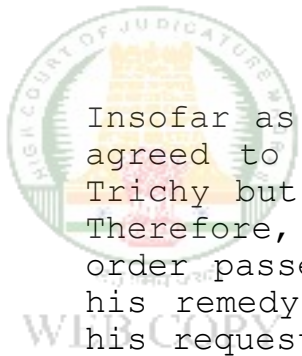
The Writ Petition is filed for the issuance of a Writ of Certiorarified Mandamus, calling for records relating to the 1st impugned transfer order dated 13.01.2021 in D.O.No.161/2021, C.No.A2/1682/2021 passed by the 4th respondent and the consequential 2nd impugned transfer order dated 02.02.2021 in C.No.A1/555/2021/05, Z.O.No. 10/2021 passed by the 2nd respondent and the consequential 3rd impugned transfer order dated 03.02.2021 in Z.O.No.11/2021, CZ-A1/22/2021-A(CZ) passed by the 3rd respondent and consequently reinstate the petitioner in Puliyarai Police Station, Tenkasi District as Grade-I Police-Constable by considering the petitioner's representation dated 10.02.2021.

2.According to the petitioner, by impugned transfer order dated 03.02.2021 in S.O.NO.11/2021, CZ-A1/22/2021-A(CZ), the writ petitioner was transferred from the 3rd respondent's Central Zone Office, Trichy to a non sensitive post as Grade I- PC on other duty at DCRB, at Ariyalur Police Station, Ariyalur District under the 6th respondent. Thereafter, the petitioner made a representation on 10.02.2021 requesting the respondents to reinstate him in the Puliyarai Police Station, Tenkasi District as Grade-I, Police Constable. The said representation is still pending. Challenging the said transfer order passed by the fourth respondent dated 13.01.2021, the petitioner has filed the present Writ Petition.

3.A counter has been filed by the respondents. In the said counter affidavit, it is stated that the respondents have transferred the petitioner on administrative reasons. The petitioner was transferred to Ariyalur Police Station, OD at DCRB, Ariyalur by impugned order dated 02.02.2021 only on administrative grounds and not on any complaints or on information. The said transfer order was passed by the respondent only on administrative exigencies. Therefore the said transfer order is a proper one, not calling for any interference.

4.The learned counsel for the petitioner would submit that after hearing the parties on the earlier occasion, this court has directed the learned Government Advocate to get instructions from the respondents for reconsidering the petitioner's request for being placed nearby Tenkasi or any other place as requested by the petitioner and posted the matter under the caption 'for orders'.

5.It is reported by the learned counsel for the petitioner that he seeks further time to get instructions from the petitioner. The consideration of this request of the petitioner lies at the hands of the respondent on merits. There is no grounds to



Insofar as request made by the petitioner, the respondents had also agreed to transfer the petitioner to any one of the vacancies in Trichy but the said opportunity was not availed by the petitioner. Therefore, there is no ground to interfere with the said transfer order passed by the respondents. It is for the petitioner to seek his remedy before the authorities concerned for reconsideration of his request for transfer in any one of the place, as sought for by him. This Court will not express any opinion on merits. It is for the respondents to consider the petitioner's representation, as early as possible.

6.The Writ Petition is dismissed with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

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,
Dr.Radhakrishnan Salai,
Mylapore,
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- 4.The Superintendent of Police,
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Tirunelveli.



5.The Superintendent of Police,
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Madurai.

6.The Superintendent of Police,
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Ariyalur.

+1 CC to M/s.GP (SR-28500[F] dated 08/09/2021)

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RS/JC (29.10.2021) 4P 8C