



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8616 of 2022

and

W.M.P.Nos.8540 and 8543 of 2022

R.Kathiravan

...Petitioner

Vs.

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

2. The Superintendent of Police,
(Chairman, Inter-District Transfer Committee),
Perambalur District,
Perambalur.

3. The Deputy Superintendent of Police,
Armed Reserve,
Perambalur,
Perambalur District.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari to call for the records on the file of the 2nd respondent in connection with the impugned order of transfer passed in his proceedings in C.No.CZ-PBR001(A2)/38/2022, D.O.No.94/2022 dated 23.03.2022 and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.V.Stalin

For Respondents: Mrs.S.Anitha,
Special Government Pleader

O R D E R

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

2. The writ petition has been filed seeking to quash the impugned order of transfer passed by the 2nd respondent in his proceedings in C.No.CZ-PBR001(A2)/38/2022, D.O.No.94/2022 dated 23.03.2022.



3. According to the writ petitioner, the petitioner was initially appointed as Grade II Police Constable in the respondent department and thereafter, he was transferred to various places. Again, in the month of March 2021, the petitioner was transferred to Armed Reserve, Perambalur District and he is discharging his duties in the present station. The petitioner was promoted as Head Constable with effect from 01.03.2021 by an order dated 03.08.2021. In the meanwhile, the number of Head Constables in Armed Reserve was found to be excess in comparing to sanctioned strength of 18 posts. Therefore, the 3rd respondent sought for willingness among the persons in the cadre of Head Constable to be transferred to Law and Order. Most of them have given their consent and a report was made ready by the 3rd respondent and the partial portion of the proceedings was circulated in the social media among the Armed Reserve Group. Though the petitioner and 11 others have not given willingness from being transferred from out of Armed Reserve that was not taken into consideration by the 2nd respondent before passing the impugned order. The petitioner is undergoing medical treatment for infertility with the local Siddha practitioner for more than 6 months. But, the 2nd respondent, without considering the option exercised by the persons who have given willingness for transfer and without considering the report of the 3rd respondent, has issued the proceedings dated 23.03.2022 transferring the petitioner to Padalur Police Station. Hence, the petitioner made a representation to the 1st respondent on 28.03.2022, stating the aforesaid bonafide reason, but there was no response. Hence, the petitioner has filed the writ petition before this Court.

4. The learned Special Government Pleader appearing for the respondents would submit that the petitioner has filed this writ petition challenging the impugned transfer order and as a police personnel, the petitioner should obey the transfer order and join in the present place. If any genuine request is made by the petitioner, the respondents will consider the same on merits and in accordance with law.

5. The learned counsel for the petitioner would submit that the petitioner has joined in the present station only in the month of March 2021 and the present impugned transfer order has been passed by the 2nd respondent within a short span of time without considering the bonafide reasons stated by the petitioner. Hence, he prays to grant an order of status quo.

6. The petitioner made a request before this Court with the aforesaid bonafide reason for re-transfer and to cancel the aforesaid impugned order. As per the decision of the Apex Court, transfer is not a matter of right and it is an incident of service. Therefore, in view of the aforesaid decision, this



Court cannot interfere with the transfer order passed by the 2nd respondent.

7. However, in view of the aforesaid submission and considering the request made by the learned counsel for the writ petitioner, without expressing any opinion on merits, this Court is inclined to direct the 2nd respondent, viz., The Superintendent of Police, (Chairman, Inter-District Transfer Committee), Perambalur District, to consider the petitioner's representation dated 28.03.2022 and pass orders on its own merits and in accordance with law, as expeditiously as possible within a period of four weeks from the date of receipt of a copy of this order. Till such such time, the respondents are directed to maintain status quo as on today, if the petitioner had already not been relieved.

8. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Police,
Central Zone, Trichy.
2. The Superintendent of Police,
(Chairman, Inter-District Transfer Committee),
Perambalur District, Perambalur.
3. The Deputy Superintendent of Police,
Armed Reserve, Perambalur,
Perambalur District.

+1cc to M/s.K.Gurunathan, Advocate, S.R.No.24650

+1cc to the Government Pleader, S.R.No.24916

W.P.No.8616 of 2022
and

W.M.P.Nos.8540, 8543 of 2022

SR-II (CO)
RGA (26/04/2022)