



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11200 of 2020

and

W.M.P.Nos.13654 and 13656 of 2020

P.Gaickward

... Petitioner

vs.

1.The District General of Police,
Mylapore, Chennai - 600004.

2.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari, calling for the records relating to the order of the 1st respondent made in Rc.No.E/573164/NGB III(1)/2020 dated 05.08.2020 and the consequential order of the 2nd respondent made in D.O.No.658/2020/C.No:A2/12405/2020 dated 08.08.2020 to quash the same.

For Petitioner : Ms.N.R.Jasmine Padma

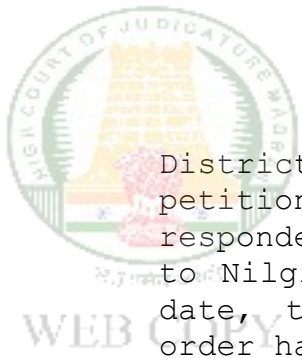
For Respondents : Mr.V.Manoharan

Additional Government Pleader

ORDER

This writ petition has been filed seeking to issue a Writ of Certiorari, calling for the records relating to the order of the 1st respondent made in Rc.No.E/573164/NGB III(1)/2020 dated 05.08.2020 and the consequential order of the 2nd respondent made in D.O.No.658/2020/C.No:A2/12405/2020 dated 08.08.2020 to quash the same.

2. According to the petitioner, he was appointed as Constable on 23.12.1985 and he was promoted as Sub-Inspector of Police and posted at Kambainallur Police Station, Dharmapuri



District. Now, he has been transferred to Nilgiris District. The petitioner has made a representation dated 10.08.2020 to the 1st respondent to cancel the said order of transfer from Dharmapuri to Nilgiris District, which is against the rules. However, till date, the said representation has not been considered and no order has been passed by the 1st respondent.

3. According to the petitioner, no charges have been pending against him and only on punitive in nature the petitioner is being transferred. Further, according to the petitioner, if he is transferred to the another district, he will lose his seniority. On the aforesaid ground, the present writ petition has been filed challenging the said impugned transfer order before this Court.

4. Now, after lapse of two years, the matter is listed before this Court for hearing. The learned counsel for the petitioner made a request that this Court may direct the 1st respondent to consider the petitioner's representation dated 10.08.2020 and to pass appropriate orders.

5. The learned Additional Government Pleader would submit that the aforesaid impugned transfer order was passed only on administrative ground. Therefore, the petitioner cannot have any legal right to interfere with the said transfer order which has been passed by the 1st respondent. He further submitted that the petitioner's representation dated 10.08.2020 would be considered by the authority on its own merits and pass appropriate orders.

6. In view of the above submissions made by the parties and considering the request made by the learned counsel for the petitioner, this Court is inclined to direct the 1st respondent to consider the petitioner's representation dated 10.08.2020 on merits in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish the copy of the representation dated 10.08.2020 along with this order before the 1st respondent.

7. With the above directions, the writ petition stands disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar



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To

WEB COPY

1.The District General of Police,
Mylapore, Chennai - 600004.

2.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

+lcc to Mr.L.Chandrakumar, Advocate SR.No.21467
+lcc to the Government Pleader, SR.No.21729

W.P.No.11200 of 2020

PMK (CO)
CB(18/04/2022)