



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.3.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.25541 OF 2021

W.M.P.NO.26956 AND 26957 OF 2021

1 K.Ramamoorthy

... Petitioner

Vs.

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore Chennai-4
2. The Deputy Inspector General of Police,
Thanjavur Range, Thanjavur.
3. The Superintendent of Police,
Nagapattinam District.
4. The Superintendent Of Police
Mayiladuthurai District at Nagapattinam.
5. The Superintendent of Police,
Thanjavur District, Thanjavur.

... Respondents

Prayer : The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in connection with the impugned order passed by him in DO No 844 / 2021 in C No CZ-NGT OA1/4/2021- A(NGT) dated 2.11.2021 and quash the same and direct the respondnets to implement the orders of the 5th respondent issued in DO No. 1220 / 2021 in C No.A1/22606/2021 dated 18.10.2021 and post the petitioner in any one of the police stations in Mayiladuthurai District and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkatramani, Sr. Counsel
for Mr.Muthappan

For Respondents : Mr.M.Bindran, A.G.P.



O R D E R

According to the petitioner, the petitioner after serving for more than 8 years, he was transferred to local police establishment in the year 2008 and posted to serve in Mayiladuthurai L & O Station. He was upgraded as Grade I Police Constable in the year 2003, upgraded as Head Constable in the year 2008 and further upgraded as Special Inspector in the year 2017. The petitioner has received more than 100 rewards and has not come to adverse notice so far. In the year 2020, Mayiladuthurai district was bifurcated from Nagapattinam District. The petitioner was a member of a team formed by the Superintendent of Police, Nagapattinam to contain rowdism for more than 15 years till he was transferred to Thanjavur district vide order passed by the Deputy Inspector General of Police, Thanjavur Range, dated 26.9.2020. The Special team consisting of Inspector of Police, Sub Inspector and Constables came to adverse notice based on an anonymous petition and all the members of the team were transferred to Thanjavur District and the petitioner was posted to serve in District Crime Records Bureau, Thanjavur district. The petitioner reported for duty before the Superintendent of Police, Thanjavur district on 28.9.2020. On request, the petitioner was transferred to Thiruvidaimaruthu Police station on 30.9.2021. Since the petitioner's family is situated in Mayiladuthurai and having 2 children studying in the school and college, he gave a representation to the respondents 1 and 2 for transfer to his native place Mayiladuthurai district. His request was considered by the Director General of Police and issued transfer order, dated 1.10.2021 transferring the petitioner to Mayiladuthurai district. The Superintendent of Police, Thanjavur district, being the Chairman of the Thanjavur District Transfer Committee, issued an order, dated 18.10.2021 transferring the petitioner to Mayiladuthurai District. The petitioner was also relieved from Thiruvidaimaruthu Police station on 21.10.2021 and the petitioner reported for duty at District Police Office, Nagapattinam on 29.10.2021 and the petitioner has also submitted a representation on 30.10.2021 to the Superintendent of Police, Mayiladuthurai district requesting to post him in anyone of the 3 Police stations as mentioned in his representation. The petitioner was directed to report before the Control Room, Nagapattinam on the same day and the petitioner reported for duty at Control Room on the same day eagerly awaiting for posting in any one of the stations in Mayiladuthurai district. However, the petitioner was posted to District Crime Record Bureau, Nagapattinam by the impugned order of the third respondent, dated 2.11.2021. Challenging the said order, the petitioner has preferred the present writ petition before this Court.



2. Counter affidavit has been filed by the third respondent wherein the third respondent admitted the allegation of the petitioner in his original petition, that his brother in law one Thavanmani, the District Secretary of P.M.K. Party was murdered on 22.10.2021 and hence, the petitioner was transferred and posted to District Crime Record Bureau, Nagapattinam. Further, it is stated that the accused are from Mayiladuthurai District and the petitioner by virtue of being in anti-rowdy team for more than a decade, faces threat from anti social elements and as a result, he was granted special permission to possess a weapon (Pistol) for his personal safety. Therefore, according to the respondent, it is not advisable for the petitioner to continue his work at Mayiladuthurai and therefore, decided not to post him in local Police Station in Mayiladuthurai.

3. Heard the rival submissions of the parties and perused the materials available on record.

4. According to the learned Senior counsel appearing for the petitioner, the fact that the petitioner's brother in law one Thavanmani, the District Secretary of P.M.K. Party was murdered in Karaikkal is nothing to do with the posting the petitioner in Mayiladuthurai and the respondent has to consider the request of the petitioner. If opportunity is given, the petitioner will explain before the authority concerned and thereafter, the respondent may take appropriate decision by posting the petitioner in appropriate place, if possible the petitioner may be placed in local police station in Mayiladuthurai.

5. In view of the above, the petitioner is directed to appear before the Superintendent of Police, Mayiladuthurai, the fourth respondent herein. The fourth respondent shall consider the request of the petitioner and pass appropriate orders, as expeditiously as possible preferably within a period of six weeks from the date of receipt of copy of the order.

6. With the above directions, the writ petition is disposed of. No Costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Digitization)

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police,
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Mylapore Chennai-4
2. The Deputy Inspector General of Police,
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3. The Superintendent of Police,
Nagapattinam District.
4. The Superintendent Of Police
Mayiladuthurai District at Nagapattinam.
5. The Superintendent of Police,
Thanjavur District, Thanjavur.

+1cc to M/s.M.Muthappan, Advocate, S.R.No.19044

W.P.No.25541 of 2021
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MG (CO)
RLP (24/03/2022)