



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26322 of 2021
and
W.M.P.No.27791 of 2021

B.Narayanan

...Petitioner

Vs.

The Director General of Police/Director,
Fire and Rescue Services, Tamilnadu,
Egmore, Chennai - 08.

...Respondent

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records of the first respondent in RC.No.2594/C3/2021, dated 01.12.2021 and quash the same.

For Petitioner: Mr.S.Sivakumar

For Respondent: Mr.M.Bindran
Additional Government Pleader

O R D E R

The relief sought for in the writ petition is to call for the records of the first respondent in connection with the impugned order passed by him in RC.No.2594/C3/2021, dated 01.12.2021 and to quash the same.

2.Brief facts of the case:

On 01.12.2019, the petitioner joined in the present station as Superintendent and due to the shortage of man power he was directed to serve even in the government holidays also. Due to his ill health, he availed the leave within the permissible limit and has not visited any adverse remark and there is no complaint against the petitioner as of now. Whiles, the respondent herein passed an impugned order of transfer on the petitioner from Chennai to Thiruvavur District, which is about 400 kms from the present place. Hence, the writ petition.

3.The learned counsel for the petitioner would submit that the impugned order of transfer clearly shows that it was passed



by way of punishment only on the adverse administrative ground. If that be so, the petitioner is certainly entitled for proper opportunity to defend himself as to whether the allegations against him is true or not by way of an enquiry. Hence, the transfer order passed by way of punishment is without any opportunity to the petitioner. Therefore, the petitioner has made a request to the authority but his request has been ended in vain. Hence, he would submit that the impugned order is unsustainable and the same is liable to be quashed.

4.The learned counsel for the respondent has filed a counter by stating that the petitioner is in the habit of going on medical leave whenever an emergency in the nature of work arises. Further, it is stated that the petitioner has failed to carry out the official duties allotted to him and not maintained absolute integrity and dedication to government service. The act of the petitioner causes hardship to the effective functioning of the department. Hence, order of transfer has been passed against the petitioner.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.Considering the above facts and circumstances of the case and on perusal of the counter affidavit, this Court finds that only on administrative ground, the order of transfer has been issued on the petitioner. Therefore, this Court is not inclined to interfere with the impugned transfer order passed by the respondent. By taking note of the above fact and considering the request made by the petitioner, it is open to the petitioner to make a fresh representation to the respondent seeking transfer to the nearby by Chennai within a period of two weeks from the date of receipt of a copy of this order. On such representation being received, the respondent is directed to consider the same in accordance with law as early as possible preferably within a period of twelve weeks from thereof.

7.With the above direction, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Dua



To

The Director General of Police/Director,
Fire and Rescue Services, Tamilnadu,
Egmore, Chennai - 08.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.24038

+1cc to the Government Pleader, S.R.No.24533

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and
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JP (CO)
RGA (26/04/2022)