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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 31446 of 2017

and

W.M.P. Nos. 34556 and 34573 of 2017

S.Perinbam

... Petitioner

-vs-

1. The Union of India
Rep. by its Secretary to Government
Ministry of Home Affairs,
New Delhi.
2. The Director General
Central Industrial Security Force
CGO Complex,
Lodhi Road
New Delhi - 110 003.
3. The Inspector General
Central Industrial Security Force
South Sector
Chennai Port Trust
Chennai - 600 009.
4. The Senior Commandant
Central Industrial Security Force Unit
Airport Security Group
Meenambakkam,
Chennai - 600 027.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the Third Respondent letter No.E-38014//CISF/ASG (C)/Adm-1/2017/9397 dated 19.10.2017 and quash the same insofar as the item No.2 is concerned and to direct the respondents to retain the Petitioner at CISF Unit, ASG, Chennai Airport till completion of the tenure i.e. up to May 2019.



For Petitioner : Mr.A.S.Mujibur Rahman
For Respondents: Mr. K.Srinivasamurthy
Central Government Standing Counsel

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O R D E R

Heard Mr. A.S.Mujibur Rahman, Learned Counsel for the Petitioner and Mr. K.Srinivasamurthy, Learned Central Government Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who is a Central Industrial Security Force Personnel, has challenged the Proceedings No. E-38014//CISF/ASG (C)/Adm-1/2017-9397 dated 19.10.2017 passed by the Third Respondent transferring him to NLC Neyveli.

3. It is borne out from the record that though the Petitioner had sought for interim injunction restraining the Respondents taking any steps in pursuance of the impugned order during the pendency of the Writ Petition in W.M.P. No. 34573 of 2017, no order has been passed in that regard.

4. The Respondents have filed the Counter-Affidavit dated 19.01.2018 in justification of the impugned order and stated that the Petitioner has reported to his new place of posting on 30.12.2017 (forenoon) as per the information furnished by DIG CISF Unit NLC Neyveli vide Message No. E-38014/CISF/Adm.I/Posting/2018/131 dated 04.01.2018 after availing joining time.

5. The legal position is well established as held by the Hon'ble Supreme Court of India in Union of India -vs- S.L.Abbas [(1993) 4 SCC 357] that an order of transfer is an incident of service and unless it is vitiated by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it.

6. Having due regard to the fact that a period of more than four years have lapsed from the time of passing of the impugned order, it is improbable that the same circumstances that then existed still continues. In that backdrop, there does not appear to be any useful purpose served by venturing into the task of testing the validity of the impugned order viz-a-viz the aforesaid legal position at this distance of time. Viewed from that perspective, it is made clear that the concerned authorities are not precluded from taking any fresh decision as the exigencies may require regarding the place of posting of the Petitioner in accordance with law.



In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Secretary to Government,
Union of India,
Ministry of Home Affairs, New Delhi.
2. The Director General
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Meenambakkam, Chennai - 600 027.

+1cc to Mr.K.Srinivasamurthy, Advocate, S.R.No.11433

W.P. No. 31446 of 2017

AK(CO)
GN(25/05/2022)