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W.P. No. 5434 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

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

W.P. No. 5434 of 2023

and

W.M.P. No. 5456 of 2023

M.S. Chandru

... Petitioner

-VS-

1. The Principal Chief Security Commissioner,
Railway Protection Force,
Southern Railway,
Chennai – 600 003.

2. The Senior Divisional Security Commissioner,
Railway Protection Force,
Southern Railway,
Chennai – 600 003.

3. The Post Commander,
Railway Protection Force,
Gummidipoondi,
Tiruvallur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 2nd respondent proceedings made in Office Order No.16/2023 dated 15.02.2023 and consequential relieving order made by the 3rd respondent in N.GPD/E-13/2023 dated 16.02.2023 and quash the same and direct the respondents to repost the petitioner to the present station viz. Gummidipoondi, RPF Post.



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For Petitioner : Mr. M.Muthappan

For Respondents : Mr. S.Janarthanan

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ORDER

Heard Mr. M.Muthappan, Learned Counsel for the Petitioner and Mr. S.Janarthanan, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the Office Order No. 16 of 2023 dated 15.02.2023 passed by the Second Respondent transferring the Petitioner from Gummidipundi Post of Chennai Division to Madurai Division and the consequential relieving Order No. N.GPD/E-13/2023 dated 16.02.2023 passed by the Third Respondent.

3. 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 the order of transfer.



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4. It is represented by Learned Counsel for the Petitioner that in such circumstances, the Petitioner had accepted the order of transfer and has also joined duty at the transferred place, but makes a fervent plea that the representation dated 14.03.2023 made by the Petitioner for changing the place of allotment is disposed by the concerned authority within the time limit that may be fixed by the Court.

5. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 14.03.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their



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position in that regard;

- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment; and
- (v) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.

15.03.2023

Sgl/kv

Index: Yes/No

Note: Issue order copy by 02.06.2023.

To

1. The Principal Chief Security Commissioner,
Railway Protection Force,
Southern Railway, Chennai – 600 003.
2. The Senior Divisional Security Commissioner,
Railway Protection Force,
Southern Railway, Chennai – 600 003.
3. The Post Commander,
Railway Protection Force,
Gummidipoondi, Tiruvallur District.



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Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

Sgl/kv

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