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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

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THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.Nos.23663 and 32170 of 2023

and

WMP.Nos.23173 and 31769 of 2023

W.P.No.23663 of 2023

T.Manikandakumar

... Petitioner

..Vs..

1.The Deputy Inspector General of Police
Coimbatore Range
Coimbatore 642 118.

2.The Superintendent of Police
Tiruppur District
Tiruppur.

3.The Inspector of Police
Armed Reserve
Nalligoundan Nagar
Nallur 641 606
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Certiorari, to call for the entire records connected with the impugned order in D.O.No.830/2022 and C.No.A4/5246322/366/2023 dated 24.7.2023 passed by the 2nd respondent and quash the same.



W.P.No.32170 of 2023

T.Manikandakumar

... Petitioner

..Vs..

1.The Superintendent of Police
Tiruppur District
Tiruppur.

2.The Inspector of Police
Armed Reserve
Nalligoundan Nagar
Nallur 641 606
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Certiorari, to call for the entire records connected with the impugned order MA.Aa.No.929/2023, Na.Ka.No.G4/5426533/2023 dated 18.8.2023 passed by the 1st respondent and quash the same.

For Petitioner : Mr.S.Sathia Chandran
(Both WPs)

For Respondents : Mr.S.Silambanan,
(Both WPs) Additional Advocate General
Asst.by:
Mrs.V.Yamunadevi
Special Government Pleader

COMMON ORDER

Being aggrieved against the order of transfer dated 24.07.2023, transferring the petitioner from Armed Reserve, Tiruppur District to Nilgiris District on "adverse grounds", the present petitions have been filed. Pending



W.P.No.23663 of 2023, since the petitioner did not report to his duty at Nilgiris District, an order of desertion dated 18.8.2023, came to be passed. Since the issue involved in both the writ petitions are connected, a common order is passed.

2.When the writ petition came up for hearing, this Court had called upon the learned Additional Advocate General to explore the possibility of recalling the transfer order, on condition that the petitioner reports at Nilgiris District, pursuant to the transfer order. This Court had also called upon the learned Additional Advocate General, to verify whether a fresh transfer order can be passed on administrative grounds alone, by modifying the earlier transfer order dated 24.7.2023, which was on adverse ground.

3.Today, when the matter called, the learned Additional Advocate General on instructions submitted that a modified transfer order has been passed on 5.12.2023, whereby, the petitioner has been transferred from Armed Reserve, Tiruppur District to the Nilgiris District, on administrative grounds alone. The learned Additional Advocate General further submitted that they would recall the order of desertion dated 18.08.2023, subject to the condition that the petitioner joins in the transfer place of Nilgiris District. This Court would like to place its appreciation on the efforts taken by the learned Additional advocate General for having found an amicable solution to the issue.



4. In the light of the submissions made, the grievance of the petitioner has been redressed. Thus, the petitioner is called upon to forthwith join the post at Nilgiris District, pursuant to the modified transfer order dated 05.12.2023, within a period of one week from the date of receipt of a copy of the order. After reporting for duty, the respondents shall recall the order of desertion dated 18.8.2023, as expeditiously as possible.

5. This writ petition is disposed of with the above observations. No costs. Consequently, the connected miscellaneous petitions are closed.

06.12.2023

Index: Yes/No
Internet: Yes/No
Speaking Order

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To

- 1.The Deputy Inspector General of Police
Coimbatore Range
Coimbatore 642 118.
- 2.The Superintendent of Police
Tiruppur District
Tiruppur.
- 3.The Inspector of Police
Armed Reserve
Nalligoundan Nagar
Nallur 641 606
Tiruppur District.



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M.S.RAMESH.J,

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W.P.Nos.23663 and 32170 of 2023

06.12.2023