



W.P.(MD)No.7339 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.7339 of 2024 &
W.M.P.(MD)No.6755 of 2024

Ramarajan

... Petitioner

vs.

- 1.The Direct General of Police,
Officer of the Direct General of Police,
Dr.Radhakrishnan Salai,
Chennai - 600 004.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi, Tenkasi District.
- 3.The Deputy Superintendent of Police,
Puliyankudi Sub Division, Tenkasi District.
- 4.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the first respondent vide proceedings in Rc.No.A-40/NGB(1)/07.01.2024 dated 08.03.2024 and quash the same as illegal and arbitrary.



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For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

Heard Mr.R.Karunanidhi, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondents.

2. The petitioner has filed this writ petition praying to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the first respondent vide proceedings dated 08.03.2024 in Rc.No.A-40/NGB III (1)/07.01.2024 and quash the same.

3. The contention of the petitioner is that he had made a request for transfer to the first respondent from Sivagiri Police Station, Tenkasi to Chennai. Pursuant to the same, the first respondent passed an order on 04.10.2024 transferring the petitioner and some other police personnel to Chennai. But, the said order has been cancelled subsequently on 08.03.2024 stating that some of the police personnel have requested to cancel the transfer order issued to them.



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4. Mr.R.Karunanithi, learned counsel appearing for the petitioner submitted that the petitioner did not give any request to cancel the transfer given to him and his name has been mistakenly included along with those who had given request for cancel of transfer order.

5. Mr.J.Ashok, learned Additional Government Pleader submitted that the petitioner has been given with 3(b) charges of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules and the enquiry in the said matter is still pending, that is the reason why, the transfer order of the petitioner was cancelled. In the transfer order dated 04.01.2024 itself it has been stated that the transfer order will not be effected if the persons come under any adverse notice or departmental action. Since certain action is pending against the petitioner, the transfer order granted to him got cancelled. The petitioner has been given with a second show cause notice on 20.03.2024, for which, he has not submitted any reply.



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6. Since it is submitted that the petitioner has been given with second show cause notice, it is up to the petitioner to submit his reply and await orders in view of the 3(b) charges pending against him. The petitioner is also at liberty to place a fresh request for transfer. On receipt of the same, the first respondent shall consider the same on its own merits and pass orders in accordance with Rules and Regulations.

7. With the above observations, the writ petition is **disposed of**.
No costs. Consequently the connected Miscellaneous Petition is closed.

15.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To
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R.N.MANJULA, J.

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