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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.11482 of 2024

and

W.M.P(MD)Nos.10229, 10231 & 12806 of 2024

S.Thalavai Rajan

... Petitioner

Vs.

1.The Director General of Prisons and Correctional Services,
Whannels Road,
Egmore, Chennai – 8.

2.The Superintendent of Prison,
Central Prison,
Palayamkottai.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records pertaining to the order of transfer passed by 1st respondent dated 21.05.2024 and consequent relieving order passed in No/4020/KiSi2/2024 dated 21.05.2024 by 2nd respondent and to quash the same.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.S.Shaji Bino
Special Government Pleader



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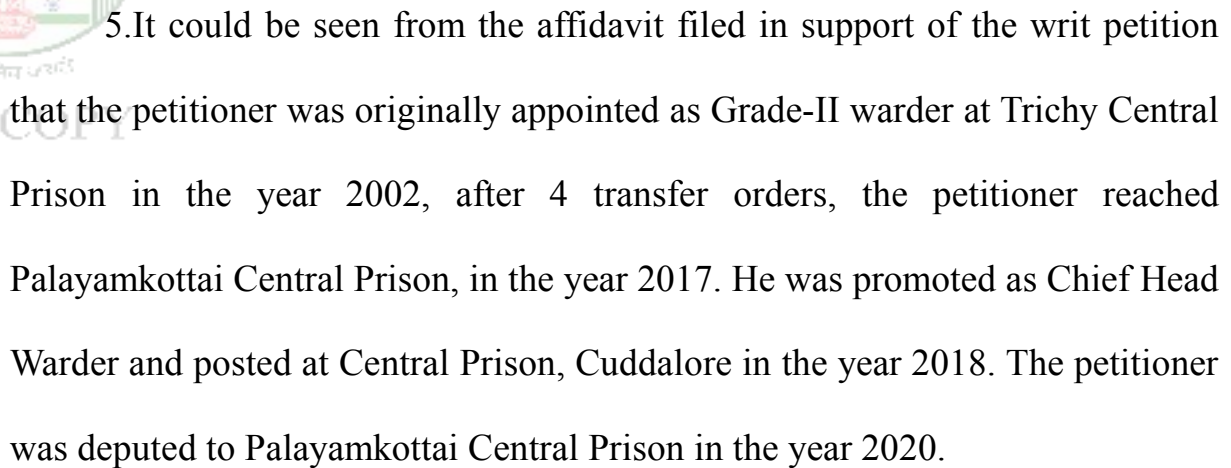
ORDER

The instant writ petition has been filed by a Chief Head Warder, working in the Sub Jail, Sankarankoil, challenging his order of transfer to Central Prison, Vellore.

2. According to the learned Counsel appearing for the writ petitioner, he is frequently transferred from the year 2017 onwards. It is the further contention of the writ petitioner that his wife is undergoing treatment for Carcinoma Thyroid at Meenakshi Mission Hospital, Madurai and therefore, transfer to Central Prison, Vellore would cause great hardship.

3. Per contra, the learned Special Government Pleader relying upon the counter had contended that the petitioner is working at Sub Jail, Sankarankoil for a long time and therefore, it was decided to transfer him. He further contended that the transfer is an incident of service and therefore, the petitioner cannot question the order of transfer.

4. I have carefully considered the submission made on either side and perused the materials available on record.



6. The petitioner was again transferred to Cuddalore Central Prison in the year 2023. On 21.07.2023, the petitioner was posted to Sub Jail, Sankarankoil and he joined there on 30.07.2023. Immediately on the next day, the petitioner was relieved and he was asked to join as Warder at Training School, Trichy. The petitioner was again transferred to Sankarankoil Sub Jail on 30.01.2024. Under the impugned order dated 21.05.2024, the petitioner has been transferred to Central Prison, Vellore. Therefore, it is clear that the petitioner has been subjected to repeated transfer orders from the year 2017 onwards and the petitioner has suffered at least 4 transfer orders within a period of one year.

7.The petitioner has produced the Medical records of his wife, wherein it could be seen that the petitioner his wife is suffering from Carcinoma Thyroid and she is undergoing treatment at Madurai. Considering the fact that there are no allegations as against the writ petitioner while he was working at Sub Jail,



Sankarankoil or at any other place. This Court is of the considered opinion that the order of transfer is liable to be set aside.

8. In view of the above said deliberations, the order impugned in the writ petition is hereby set aside and the authorities are directed to retain the petitioner at Sub Jail, Sankarankoil at least for a period of three years. Accordingly, this writ petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petitions are also closed.

01.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR

To

1. The Director General of Prisons and Correctional Services,
Whannels Road,
Egmore, Chennai – 8.

2. The Superintendent of Prison,
Central Prison,
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R.VIJAYAKUMAR, J.

RJR

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