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W.P.No.1401 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19/3/2025

C O R A M

The Hon'ble **Ms.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition No.1401 of 2021

a n d

W.M.P.Nos.1576, 1578, 1585 and 1588 of 2021

T. Thirumurthy

...

Petitioner

Vs

1. Union of India
rep. By The General Manager
Southern Railway
Chennai 600 003.
2. The Principal Chief Security Commissioner
R.P.F.Southern Railway
Moor Market Complex, 6th Floor
Park Town
Chennai 600 003.
3. The Senior Divisional Security Commissioner
M.A.S Southern Railway
D.R.M.Complex, 5th Floor
Park Town
Chennai 600 003.



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4. The Post Commander/RPF/GRD
Southern Railway
Railway Protection Force
Gummidipoondi
Chennai 601 201.

...

Respondents

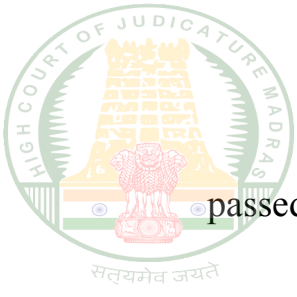
PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the concerned records relating to the order No.X/P.677/A.R/IV-Office Order No.85/2020 dated 6/7/2020 passed by the second respondent, relieving order passed by the fourth respondent in No.GPD/Estt./15/2020 dated 29/12/2020 and transfer order passed by the third respondent in No.M/XP.535/TER/2020 dated 29/12/2020 and quash the same.

For petitioner ... Mr.M.Gnanasekar

For respondents ... Mr.P.T.Ramkumar
Standing Counsel

ORDER

This writ petition has been filed to quash the order dated 6/7/2020 passed by the second respondent in order No.X/P.677/A.R/IV – Office Order No.85/2020, relieving order dated 29/12/2020 passed by the fourth respondent in GPD/Estt./15/2020 and transfer order dated 29/12/2020



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passed by the third respondent in M/XP.535/TER/2020.

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2. Brief facts which are necessary for the disposal of this writ petition are as follows:-

The petitioner was joined as RPF Constable on 1984 and promoted as Head Constable in the year 2011. Vide, order dated 6/7/2020, the petitioner has been transferred from Chennai to Trivandrum Central and directed to join on 30/7/2020. The petitioner made a representation on 9/7/2020 to the respondents, requesting to retain in Chennai Division. He has also applied for Voluntary Retirement from service through Registered Post to the third respondent on 15/7/2020.

3. Since there was no response, the petitioner has filed W.P.No.10167 of 2020, seeking to quash the order dated 6/7/2020 passed by the second respondent and direct the respondents therein to accept the petitioner's request for voluntary retirement from service. This Court, by order dated 16/10/2020, allowed the writ petition and directed the authorities to pass orders on the voluntary retirement request of the petitioner within a period of four weeks from the date of receipt of the said



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4. Enclosing the above said order, the petitioner had submitted a representation on 26/10/2020, to the competent authority regarding the voluntary retirement from service. Instead of complying with the directions of this Court, third respondent had issued Memorandum dated 28/11/2020 under Rule 153 of the Railway Protection Force Rules, proposing to hold an enquiry on 8/12/2020.

5. Being aggrieved, the petitioner had filed W.P.No.17950 of 2020, to quash the order dated 28/11/2020 passed by the third respondent. This Court, vide order, dated 10/12/2020, granted interim stay. On 2/12/2020, the respondents had rejected the representation of the petitioner dated 26/10/2020. Thereafter, third respondent had passed an order on 29/12/2020, directing the fourth respondent to relieve the petitioner immediately to carry out transfer order dated 6/7/2020. The respondents have also issued duty pass dated 29/12/2020 to join at Trivandrum Division. Being aggrieved, the petitioner has come forward with the instant writ petition praying for the relief as stated therein.



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6. The Senior Divisional Security Commissioner, RPF, Chennai Division has filed a counter affidavit, wherein the petitioner has served in Chennai division from 1984 to 2020 and he has been transferred to Trivandrum division along with other four persons on administrative grounds. This Court has not granted any interim order and the petitioner is remaining on unauthorised absence from the date of issuance of transfer order dated 29/12/2020.

7. Heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.P.T.Ramkumar, learned Standing Counsel for the respondents.

8. The learned Standing Counsel appearing for the respondents would submit that no interim order was granted and the petitioner has not joined for duty either at Trivandrum or in Chennai Division. Moreover, the petitioner is about to attain superannuation on 31/3/2025.

9. Perused the materials available on record.



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10. Even though the Hon'ble Supreme Court in various judgments have reiterated the decision that no Government servant or employee of public undertaking has any legal right to be posted forever at any one particular place, considering the plight of the petitioner and considering the fact that the writ petitioner is about to attain superannuation on 31/3/2025, this Court direct the respondents to conclude the disciplinary action which was initiated vide Office Charge Memorandum dated 28/11/2020, as expeditiously as possible, after affording opportunity to the petitioner to submit all his explanations before the Enquiry Officer with sufficient proof.

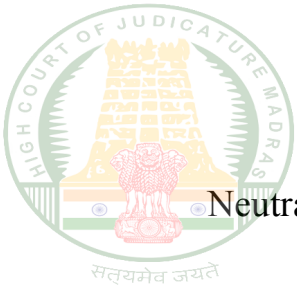
11. With the above direction, this writ petition is disposed of. It is made clear that the petitioner can raise all the claims, if any, on the outcome of the said enquiry proceedings. No costs. Consequently, connected Miscellaneous Petition is closed.

19/3/2025

mvs.

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Neutral Citation: Yes/No

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