



WMP NOS.14886, 39805 OF 2024 IN WP NO.13719 O
IN THE HIGH COURT OF JUDICATURE AT MADRAS



DATED: 31-01-2025

CORAM

THE HONOURABLE MR JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

WMP NOS.14886 AND 39805 OF 2024

IN

WP NO. 13719 OF 2024

WMP NO. 14886 of 2024

TN Hemalata
Assistant S/1287 Coast Guard Region (East) Chennai

Petitioner(s)

Vs

Union Of India
Rep By The Director General, Coast Guard Head Quarters
Tatrakshak Mukhyalaya National Stadium Complex New Delhi
110 001 and another

Respondent(s)

For Petitioner(s): Mr.S.Pushpakaran

For Respondent(s): M/s. A.R.Sakthivel, SPC For R1, R2 Memo Dt 20/05/2024

WMP NO.39805 of 2024

Union of India

Represented by The Director General, Coast Guard Headquarters, National Stadium
Complex, New Delhi 110 001 and another

Petitioner(s)

Vs

TN Hemalata

Respondent(s)

For Petitioner(s): M/s. A.R.Sakthivel, SPC For P1, P2 Memo Dt 20/05/2024

For Respondent(s): Mr.S.Pushpakaran



ORDER



(Order of the Court was made by the Hon'ble S.M.Subramaniam J.)

The writ petitioner was placed under suspension on the ground that a criminal case was registered against her in FIR No.131 dated 16.12.2021 on the file of Central Crime Branch-II, Chennai under Sections 406, 420, 465, 468 and 34 of IPC. The allegation against the writ petitioner is about her involvement in issuing forged/fake appointment letters in return of cash to gullible candidates interested in joining Indian Coast Guard. She was arrested by the police and remanded to judicial custody. The writ petitioner was in judicial custody for about 50 days, thereafter released on bail on 03.02.2022.

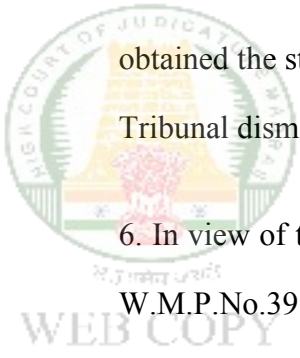
2. The present writ petition was taken up for hearing on 22.05.2024 (Vacation Court) and the writ petitioner made a statement before this Court that she was not relieved, pursuant to the transfer order issued by the respondents transferring her from Chennai to Gujarat on administrative grounds. The respondents filed a vacate stay petition stating that the interim order was obtained by making false statement before this Court. The relieving order dated 14.03.2024 issued by the Coast Guard Region, Chennai reveals that the writ petitioner was relieved from the post on 14.03.2024 pursuant to the transfer order.

3. The learned Senior Panel Counsel would submit that in view of the interim stay granted on 22.05.2024 in the present writ petition, the writ petitioner is receiving salary without performing any work at Chennai. The transfer order is also unable to be given effect to, since there is an interim stay.

4. For the past about seven months, the petitioner is receiving salary without performing any public duties.

5. An employee on transfer is expected to join in the transferred place even during the pendency of the writ petition. In the present case, the petitioner was suspended on account of the fact that a criminal case for cheating has been registered against her. The suspension was revoked and she was transferred

to Gujarat. Instead of joining in the transferred place, she has filed the present writ petition and



obtained the stay order and receiving salary without performing any work. The Central Administrative Tribunal dismissed the original application, against which the present writ petition has been instituted.

6. In view of the facts and circumstances, the petitioner is not entitled for interim relief. Accordingly, W.M.P.No.39805 of 2024 is allowed, interim order stands vacated and the W.M.P.No.14886 of 2024 is dismissed.

(S.M.SUBRAMANIAM J.) (M.JOTHIRAMAN J.)
31-01-2025

ss

To

1. Union Of India

Rep By The Director General, Coast Guard Head Quarters Tatrakshak
Mukhyalaya National Stadium Complex New Delhi 110 001

2. The Commander

(for Staff Officer (civilians)) Head Quarters Coast Guard Region (east) Near Napier
Bridge Chennai 600 009