

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.05.2025

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Writ Petition No. 19511 of 2025

and

W.M.P. Nos. 21814 and 21817 of 2025

P. Sabareeswaran

.. Petitioner

Versus

1. The Director General of Prison
Office of Director General of Prison
Whannels Road
Egmore
Chennai District – 600 008.

2. The Superintendent of Prison
Central Prison
Coimbatore
Coimbatore District.

3. The Superintendent of Prison,
Central Prison,
Cuddalore,
Cuddalore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned transfer order issued by the 2nd respondent in his proceedings in No.6458/Po1/2024, dated 25.05.2025 quash the same as illegal, bias and arbitrary and consequently directing the 2nd respondent to permit the petitioner to discharge his duties at the Central Prison, Coimbatore by considering his representation, dated 27.01.2025.

For Petitioner : Mr. M. Dinesh

For Respondents : Mr. T.K. Saravanan,
Addl. Govt. Pleader

ORDER

Mr. T.K. Saravanan, learned Additional Government Pleader accepts notice for the respondents.

2. By consent of learned counsel on both sides, this writ petition is taken up for final hearing in the admission stage itself.

3. This writ petition has been filed seeking for quashment of the impugned transfer order issued by the 2nd respondent to the petitioner, vide Proceedings in No.6458/Po1/2024, dated 25.05.2025 and consequently direct the 2nd respondent to permit the petitioner to discharge his duties at the Central Prison, Coimbatore by considering his representation, dated 27.01.2025.

4. It is stated that the petitioner was appointed as Secondary Grade Warden in the 2nd respondent's office and later, he was promoted as first Grade Warden and serving in the same place. While so, on 27.01.2025, he has submitted a letter to the respondents 1 and 2 seeking transfer from Coimbatore, more particularly, it was stated that the said request was made

to take care of his single parent viz., mother. It is also stated that in the said representation, the petitioner has opted four places for transfer viz., i) The Sub Jail, Perundurai, ii) The Sub Jail, Erode, Branch, iii) The Sub Jail, Sathyamangalam and iv) The District Jail, Gobichettipalayam. However, it is the grievance of the petitioner that without considering his representation, the 2nd respondent mechanically passed the transfer order, which is impugned herein, transferring him to Central Prison, Cuddalore. In view of the above, the petitioner has knocked the doors of this Court with the aforesaid prayer.

5. Learned counsel for the petitioner submitted that the petitioner has submitted a detailed representation, dated 27.01.2025 to the respondents 1 and 2, wherein, a transfer request was made by the petitioner. However, he submitted that the petitioner's request for transfer was not considered and the same was kept in abeyance. Further, he pointed out that the petitioner has enclosed his medical records along with the said letter to support the petitioner's request for transfer. Therefore, he vehemently argued that the impugned transfer order was issued without considering the petitioner's request letter and that too, without stating any exigency or valid reason for such transfer. He submitted that the respondents have issued the impugned transfer order in a usual manner like adhoc transfer and no individual's

consideration has been made. In view of aforesaid lackness, the impugned order is liable to be quashed and as such he prays for allowing of this writ petition.

6. Per contra, Mr.T.K. Saravanan, learned Additional Government Pleader appearing for the respondents submitted that based on the vacancy position available and after following the rules prescribed, the transfer order, dated 25.05.2025 was issued by the 2nd respondent and therefore, the same is legally sustainable and no interference is required. Hence, he prays for dismissal of this writ petition.

7. Heard the learned counsel on both sides and perused the materials available on record.

8. On a perusal of records, it would reveal that the petitioner submitted his representation dated 27.01.2025 seeking transfer, prior to the issuance of the impugned transfer order / Proceedings by the 2nd respondent, which is dated 25.05.2025. On a bare reading, it is clear that in the impugned Proceedings, there is bereft of reference with regard to petitioner's representation, though it might be due to administrative reasons. Moreover, the petitioner has stated in his representation that to take care of his mother's ill-health, he sought for transfer, hence, some consideration can be shown to

him, if vacancies are available. Such being the position, no prejudice would be caused to the respondents, if a direction is issued to them to consider the petitioner's representation, dated 27.01.2025 afresh.

9. For the aforesaid reasons and also by considering the submissions made by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the respondents 1 and 2 to consider the petitioner's representation, dated 27.01.2025 seeking for transfer afresh, and pass orders on merits and in accordance with law. The said exercise to be completed as expeditiously as possible, preferably within eight weeks from the date of receipt of a copy of this order.

10. Till passing of further / fresh orders by the respondents, the impugned Transfer Proceedings is ordered to be stayed.

11. With the aforesaid directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.05.2025

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

vsi2

T.V. THAMILSELVI, J.

vsi2

To:-

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