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W.P. No.19599 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V. THAMILSELVI

W.P. No.19599 of 2025

and

W.M.P. Nos.21953 and 21957 of 2025

Vijayakanth M.

...Petitioner

Vs.

1. The Director General of Prisons,
and Correctional Services
Whannels Road,
Egmore,
Chennai – 600 008.

2. The Superintendent of Prison,
Central Prison,
Salem – 636 008.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in No.9457/PO1/2025-28, dated 25.05.2025 and quash the same as illegal and incompetent, subsequently to permit the petitioner to continue his duty the Grade I warden at Central Prison Salem.

For Petitioner : Mr.C. Deepak Kumar

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



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ORDER

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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.9457/PO1/2025-28, dated 25.05.2025 and , subsequently to permit the petitioner to continue his duty as Grade I Warden at Central Prison Salem.

4. It is stated that initially the petitioner was appointed as Grade II Warden and posted in Sub-Prison, Omalur, Salem and subsequently in the year 2022, he was promoted as Grade I Warden and transferred to Central Prison, Salem and working as such. When that be so, on 25.05.2025, the 2nd respondent has issued the impugned order, dated 25.05.2025, thereby he



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was transferred to Central Prison, Cuddalore in an existing vacancy.

Aggrieved over the same, this writ petition has been filed.

5. Learned counsel for the petitioner submitted that without assigning any proper reasons, the impugned transfer order was issued to the petitioner. Further, he submitted that before issuing the impugned proceedings, neither counselling for mutual transfer was conducted nor sufficient opportunity was given to the petitioner by the 2nd respondent. He also submitted that all of a sudden, the impugned proceedings was issued to the petitioner, which caused great mental agony to the petitioner as well as to petitioner's family, which consists of petitioner's aged parents, wife as well as two children, who are school going kids and therefore, the impugned order is perverse and bad in law. Subsequent to issuance of the impugned order, the petitioner has submitted representation, dated 28.05.2025 to the 2nd respondent. Further, he submits that though very many grounds have been raised, the petitioner restricts the prayer sought for herein and it would suffice, if a direction may be issued by this Court to the respondents to consider the petitioner's representation, dated 28.05.2025 on merits and in accordance with law.



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6. Mr.T.K. Saravanan, learned Additional Government Pleader

appearing for the respondents submitted that based on the vacancy position available and only 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. However, he has no objection, if this Court issues any directions to the 2nd respondent to consider the petitioner's representation, dated 28.05.2025 and pass orders on merits and in accordance with law.

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

8. Considering the fair submissions made by the learned counsel on both sides, this Court without going into the merits of the case, directs the respondents 1 and 2 to consider the petitioner's representation, dated 28.05.2025 seeking for transfer 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.



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

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

29.05.2025
(2/2)

Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

To:-
1. The Director General of Prisons,
and Correctional Services
Whannels Road,
Egmore,
Chennai – 600 008.

2. The Superintendent of Prison,
Central Prison,
Salem – 636 008.

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T.V. THAMILSELVI, J.

vsi2

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(2/2)