



W.P.No.24437 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.24437 of 2023

Indian Major Ports & Dock Officers' Association,
Reg No.46/2018,
Rep. by its President,
No.1/675, 1st Street,
Muthamizh Nagar,
Chennai – 600 118.

... Petitioner

Vs.

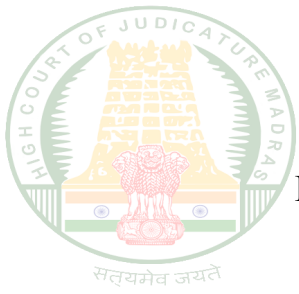
1.Union of India,
Rep. by its Secretary to Government,
Ministry of Ports, Shippining & Waterways,
No.1, Parliament Street, New Delhi 110 001.

2.Central Vigilance Commission,
Rep. by its Secretary,
Satarkata Bhawan, GPO Complex, A Block,
INA, New Delhi 110 023.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to consider the petitioner representation dated 21.07.2023 and 29.07.2023 and implement the transfer policy.

For Petitioner : Mr.E.S.Kumar
for Samanta and Stom



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For Respondent 1 : Mr.K.Gangadaran
Central Government Standing Counsel

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ORDER

The petitioner has filed this petition to direct the first respondent to consider the petitioner representation dated 21.07.2023 and 29.07.2023 and implement the transfer policy.

2. The case of the petitioner is that the petitioner is an Association registered under Societies Registration Act, bearing Registration Number 46/2018 and it has been recognised by the Port Authority. The members of the petitioner association are working as Class I and II officers in various Major Ports in the country. The petitioner's association was established for the purpose of protecting the rights and welfare of the members.

2.1. Before 2014, there was no proper transfer policy between the Ports. This being the case, the first respondent introduced the Transfer Policy for the head of the Department (HoD) level officers that the transfers of the said officers will be done once in five years among the Major Ports through letter dated 04.03.2014 vide D.O.No.229018/2014-PE-I. On 03.03.2020, the



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first respondent has changed the said policy of transfer to three years once, instead of five years. Despite the Transfer Policy Committee sending a recommendation for transfer, the concerned authority has not taken any steps to transfer the officers. Therefore, the petitioner association made a representation before the first respondent on 21.07.2023 and 29.07.2023, seeking to transfer the HoDs' who have completed three years as per the Transfer Policy. However, till date no order was passed. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the first respondent to consider the petitioner's representations dated 21.07.2023 and 29.07.2023 and pass appropriate orders on merits and in accordance with law, within a time frame to be fixed by this Court.

4. Learned Central Government Standing Counsel appearing for the first respondent submitted that it is not true that the first respondent has received the above said representations, since the petitioner has not produced



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the acknowledgment card. Hence, he prays that this Court may issue direction to the petitioner to submit a fresh representation before the first respondent.

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5. Heard the learned counsel on either side and perused the materials placed on record.

6. In view of the submission made by the learned counsel on either side, this Court without going into the merits of the case issues the following directions:

(i) The petitioner is directed to give a fresh representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the said representation, the first respondent shall consider the same on merits and in accordance with law and pass appropriate orders, within a period of three months thereof.

7. This writ petition is disposed of with the aforesaid observation and directions. No costs.



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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To:

- 1.The Secretary to Government,
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J.SATHYA NARAYANA PRASAD,J.

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