



WP(MD)No.24608 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON
25.09.2025

PRONOUNCED ON
04.11.2025

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.24608 of 2025 &
WMP (MD).Nos.19301& 19302 of 2025

S.Ramesh

... Petitioner

/vs./

- 1.The Director General of Prisons and
Correctional Service of Tamil Nadu,
Egmore, Chennai – 8.
- 2.The Superintendent of Central Prison,
Pudukottai.
- 3.The Superintendent of Central Prison,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by 1st respondent in TNPCS/4036/2025/ES-3, dated 03.09.2025 and the consequential relieving order passed by 2nd respondent in File No.CP-PDK/806/2025- SJ2, dated 04.09.2025 and quash the same.

For Petitioner : Mr.T.S.Mohd Mohideen

For Respondents : Mr.M.Sidharthan AGP

ORDER

This Writ Petition had been filed to quash the order passed by 1st



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respondent in TNPCS/4036/2025/ES-3, dated 03.09.2025 and the consequential relieving order passed by 2nd respondent in File No.CP-PDK/806/2025-SJ2, dated 04.09.2025.

2. Mr.T.S.Mohd Mohideen, learned counsel for the petitioner would submit that he had joined the Prison Department as Grade-II Warder in the year 2002 and was promoted as Grade-I Warder and transferred to Central Prison, Cuddalore in the year 2013. He was thereafter transferred to Central Prison, Trichy in the year 2015 and from there in the year 2019 was transferred to Sub Jail, Papanasam. He was again transferred to Sub Jail, Kumbakonam on 25.02.2020 and was transferred to Sub Jail, Mayaladudurai on 29.04.2022. He was granted promotion as the Chief Head Warder and transferred to Sub Jail, Thirumayam on 20.03.2023 and under the impugned order, he had now been transferred on 27.05.2025 and posted to Central Prison, Coimbatore. He would submit that from 2019 - 2025, he had been transferred on four occasions.

3. He would further submit that his children are studying in XII and X standard respectively. Referring to Section 48 of the Tamil Nadu Government Servants (Conditions and Services) Act 2016 (hereinafter referred to “the Act”) he would contend that a Government servant should be retained in a particular station for at least three years as long as there is no complaint against the said



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Government servant. As against the petitioner, there has been no complaint and within a span of three years, the petitioner has now been transferred from Thirumayam to Coimbatore. Hence, he had approached this Court in W.P.(MD).No.15557 of 2025, and this Court had disposed the said Writ Petition directing the respondents to consider the representation of the petitioner dated 28.05.2025 on its own merits and in accordance with law. Against which he had preferred an Intra-Court Appeal in W.A.(MD).No.1890 of 2025 and the Hon'ble Division Bench had held that it cannot assume that the appellant's request will not be considered. He would submit that the apprehension raised by the petitioner became true, as the first respondent had rejected the representation of the petitioner by holding that if such representations are considered, it will set an improper example for other transferees, as the general guidelines for transfer had been strictly followed.

4. He would further submit that the first respondent had innocuously indicated that the petitioner had completed more than 7 years in the jurisdiction of his choice. He would submit that the transfers made to him was not made on his own choice, but had been made only on administrative grounds. He would further submit that there are various other Warders working within the jurisdiction of the Pudukottai range for more than three years and would submit that there are also



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other persons who had continuously worked for more than ten years. Therefore, according to him, the reasons assigned for rejecting the petitioner's request is nothing, but a colourable exercise of power. Hence, he seeks indulgence of this Court to the order impugned in this Writ Petition.

5. Countering his arguments, Mr.M.Sidharthan, learned Special Government Pleader referring to Section 48 of the Act, would submit that any member of a service is required to serve in any post borne on the cadre and that an Officer Subordinate to the Appointing Authority can post any person within the jurisdiction of the Appointing Authority by way of transfers to the post within their jurisdiction. That apart, the petitioner was not singled out that there are 176 Chief Warders who were transferred under the general transfer to various stations by proceedings dated 27.06.2025 by the first respondent, who is the Appointing Authority. He would further submit that the transfer is an incident service and it is the duty of the employee that too particularly in the disciplined force to obey the order of transfer and join the transferred post. Therefore, he would submit that no indulgence be shown to the petitioner and the Writ Petition to be dismissed.

6. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.



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7. The frequent transfer of the petitioner is not disputed. When the matter had come for admission on 10.09.2025, this Court had queried as to whether any other person had been working in the Department for more than three years in the same station, as there was a serious contention that various other persons working in the same range had been retained for more than ten years. However, in the counter affidavit that was subsequently filed by the respondents, the same had not answered. The petitioner had filed a typed set of papers indicating that more than 50% in the same range in different cadres have been retained for more than three years.

8. Be that as it may, Section 48 of the Act, particularly Sub-Section 3 envisages with their *non-obstante* Clause that the Government may transfer a Government servant from one district to another revenue district within the State on administrative grounds. The order that has been now passed by the first respondent transferring the petitioner from Pudukottai District to Coimbatore District had not been made on administrative grounds, but had been made as a general transfer. However, the same is not the subject matter of challenge in this Writ Petition. Hence, this Court cannot look into the validity of the order of transfer. The reason attributed by the first respondent is that after completing 7 years in the jurisdiction of the petitioner's choice and in the interest of the



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fairness in the administration and also not to set an improper example for other transferees, the claim of the petitioner cannot be considered. It is not known as to how, the claim of the petitioner would set an improper example, when the respondents have retained the staffs who have completed more than three years within the same district and at the same station. Hence, this Court is of the view that the reason attributed by the first respondent in rejecting the petitioner's claim as only an order made under colourable exercise of power.

9. For the aforesaid reasons, the Writ Petition stands allowed and the impugned order is set aside and the first respondent is directed to reconsider the claim of the petitioner on its merits and in accordance with law. It is also seen that the petitioner had not joined in the transferred place. Hence, there shall be a direction to the petitioner to comply with the order of transfer and the direction by this Court stated supra shall be carried out by the first respondent within a period of two (2) weeks from the date on which the petitioner joins the transferred place. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

04 .11.2025

Index : Yes / No
Internet : Yes / No
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