

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.08.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition Nos.26849 to 26857 of 2016 (9 cases)

T.GOPI ..Petitioner in Writ Petition No.26849 of 2016
R.PONMUDI ..Petitioner in Writ Petition No.26850 of 2016
M.DHANDAYUTHABANI ..Petitioner in Writ Petition No.26851 of 2016
P.PERIYASAMY ..Petitioner in Writ Petition No.26852 of 2016
T.LENINMAHENDIRAN ..Petitioner in Writ Petition No.26853 of 2016
C.SINGARAVEL ..Petitioner in Writ Petition No.26854 of 2016
A.SIVAKUMAR ..Petitioner in Writ Petition No.26855 of 2016
R.SAKTHIVEL ..Petitioner in Writ Petition No.26856 of 2016
M.RAMESH ..Petitioner in Writ Petition No.26857 of 2016

Vs.

1. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai - 2. ..R1 IN ALL WPS.

2. The Superintending Engineer,
Generation Circle/Kundah,
Nilgiri District. ...R2 IN ALL WPS.

3. The Assistant Engineer,
Camp & Lines Section,
Kundah Power House - 5, Avalanche,
Nilgiri District - 643 209. ...R3 IN WP.26849/16

The Assistant Engineer,
Mechanical and Maintenance,
Kundab Power Home-6,
Kattukupai, Emerald (P.O.)
Nilgiris District. ...R3 IN WP.NO.26850/16

The Assistant Engineer,
Mechanical and Maintenance,
Kundab Power Home-5,
Nilgiris District. ...R3 IN WP.NO.26851/16

The Assistant Engineer,
Mechanical and Maintenance Section,
Kundab Power Home-6,
Emerald, Nilgiris District. ...R3 IN WP.NO.26852/16

The Assistant Engineer,
Electrical and Maintenance Section,
Kundab Power Home-5, Avalanche,
Nilgiris District 643 209.

..R3 IN WP.NO.26853/16

The Assistant Engineer,
Mechanical and Maintenance,
Kundab Power Home-5,
Avalanche, Nilgiris District.

..R3 IN WP.NO.26854/16

The Assistant Engineer,
Electrical Lines,
Generation Circle Kundab,
Emerald, Nilgiris District.

..R3 IN WP.NO.26855/16

The Assistant Engineer,
Electrical and Maintenance Section,
Kundab Power Home-6, Emerald,
Nilgiris District.

..R3 IN WPS.NO.26856/16
& WP.NO.26857/16

4. The Superintendent Engineer,
Dharmapuri Electricity Distribution Circle,
Dharmapuri District. ..R4 IN ALL WPS.

COMMON PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing third respondent to issue relieving order to the petitioner, on the basis of the transfer order, dated 09.02.2015, and consequential order, dated 11.11.2015, issued by the first respondent within a stipulated time, as fixed by this Court.

For Petitioners : Mr.P.M.Jayachandran

For Respondents : Mr.P.R.Dhilip Kumar
Standing Counsel

COMMON O R D E R

Since the issue involved in these Writ Petitions are identical in nature, they have been taken up together, and disposed of by this Common Order.

2. Heard Mr.P.M.Jayachandran, learned counsel appearing for petitioners, and Mr.P.R.Dhilip Kumar, learned Standing Counsel, accepting notice for respondents. With the consent of the learned counsel on either side, these Writ Petitions are taken up for final disposal.

3. The petitioners have filed these Writ Petitions, praying for issuance of a writ of mandamus, directing the third respondent to implement the order of transfer, which was passed as early as on 09.02.2015, and to relive them, enabling them to join in a transferred place, viz., Dharmapuri. It is seen that, consequential orders have already been passed by the Chief Engineer/Personnel, dated 11.11.2015.

4. The learned Standing Counsel appearing for respondents submitted that the total sanctioned strength is 364 helpers in the said project at Kundah, and 273 posts are lying vacant, and though orders of transfer were issued in the year 2015, relieving orders are being issued based on the seniority. The fact that the respondent/TANGEDCO has not taken decision to fill up the posts can hardly be a reason to not implement the orders of transfer, dated 09.02.2015.

5. The learned counsel appearing for the petitioner submits that two other persons, viz., i) M.Jayakumar and ii) V.Srinivasan have approached this Court, by filing Writ Petitions, in W.P.Nos.4083 and 15583 of 2016, and certain orders were passed, though in the nature of interim orders, those two persons, since been relieved from the said Station, and allowed to join the transferred place. Though the learned Standing Counsel has accepted notice on behalf of respondents, he does not have any instructions in this regard. Be that as it may, as long as the orders of transfer have not been withdrawn/modified/cancelled/reversed, the respondents are bound to comply with the same.

6. Taking note of the fact that, several persons, whose names are found in the transfer order, dated 09.02.2015, have already been relieved, it is not known as to why, the petitioners alone should be discriminated. However, without going into the said aspect, there will be a direction to the respondent No.3 to implement the order of transfer, and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. No costs.

sd

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai - 2.

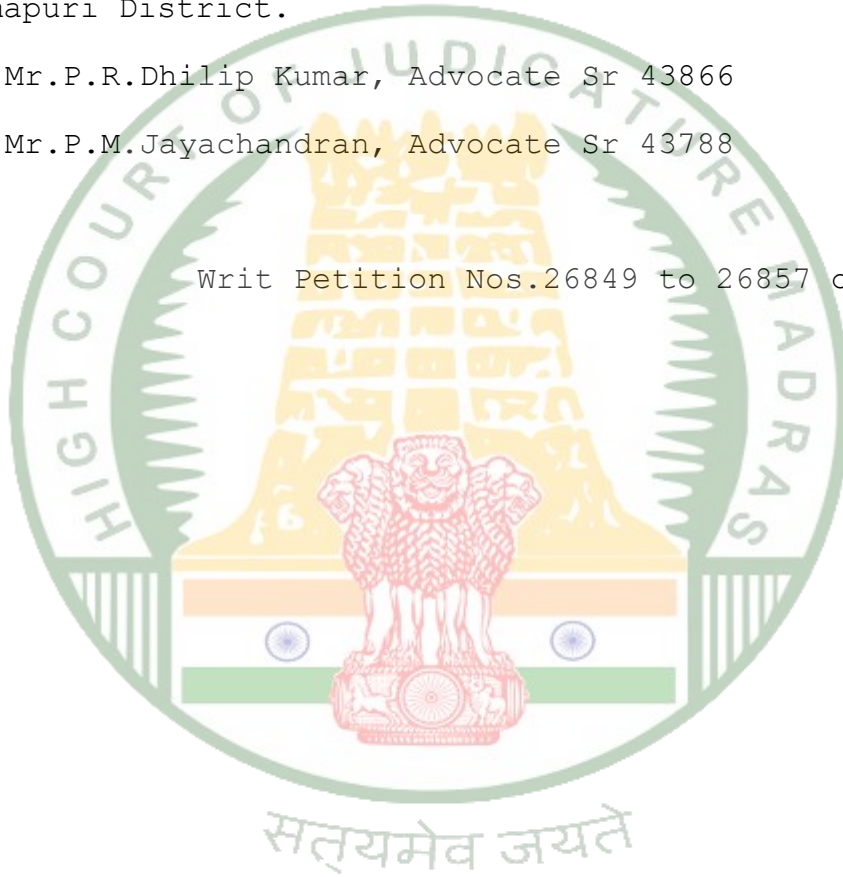
2. The Superintending Engineer,
Generation Circle/Kundah,
Nilgiri District.
3. The Assistant Engineer,
Camp & Lines Section,
Kundah Power House - 5, Avalanche,
Nilgiri District - 643 209.
4. The Superintendent Engineer,
Dharmapuri Electricity Distribution Circle,
Dharmapuri District.

+ 1 cc to Mr.P.R.Dhilip Kumar, Advocate Sr 43866

+ 1 cc to Mr.P.M.Jayachandran, Advocate Sr 43788

KR/5/8/16

Writ Petition Nos.26849 to 26857 of 2016ases)



WEB COPY