

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.30732 of 2016
&
WMP.Nos.26630 & 26631 of 2016

S.Rajkumar

... Petitioner

Vs.

1. Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Rep. by its Chief Engineer/Distribution
Erode Region, Erode - 9.
2. The Superintending Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Namakkal Electricity Distribution Circle,
Namakkal.

.... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the concerned records from the 1st and 2nd respondents, quash the order of the 1st respondent dated 18.07.2016 bearing Proceedings NO.006320/Ni.Pi.2/Udavi.2/2016-2 and the consequential order of the 2nd respondent dated 25.07.2016 bearing Memo No.010490/0881.Adm.1./JA/FJA (Admn)/2016 as illegal, arbitrary, contrary to law and consequently direct the 2nd respondent to continue to retain the petitioner in his present place of posting viz., Junior Assistant (Admn)/O&M Arachalur Sub Division of Erode Electricity Distribution Circle.

For Petitioner : Mr.Balanharidas

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

O R D E R

This Writ Petition has been filed to quash the order of the 1st respondent dated 18.07.2016 and consequently direct the 2nd respondent to continue to retain the petitioner in his present place of posting.

2. The father of the petitioner was working as Foreman Grade I in the Respondent Corporation and he died in harness. Thereafter, the petitioner was appointed as Junior Assistant by an Order dated 26.05.2012 on compassionate grounds. Initially, the petitioner was posted as Junior Assistant in the Office of the first respondent and during July 2014 he was transferred to Arachalur Sub Division of Erode Electricity Distribution Circle in which place the petitioner is continuing to work. The baby of the petitioner died within 9 days from its birth and to look after his wife, the petitioner submitted leave application for the period from 01.02.2016 to 31.07.2016 and that his leave has also been sanctioned. As his wife recovered from the trauma, the petitioner joined duty on 15.04.2016. While so, the petitioner was transferred to Namakkal Electricity Distribution Circle, which is illegal, arbitrary and contrary to law. Hence, the petitioner sent a representation to the respondents to cancel the order of transfer of the petitioner and continue to retain the petitioner in his present working place. But till date, the representation of the petitioner has not been considered and hence, the present Writ Petition has been filed.

3. The petitioner challenges the transfer order mainly on the ground that the petitioner has not made any request for transfer. It is submitted that the petitioner has availed leave from 01.02.2016 to 14.04.2016 because of the death of his child after its birth and his leave has been sanctioned by an order dated 22.08.2016. According to the petitioner, he has re-joined in the same place with effect from 15.04.2016 and even after the transfer order, till date he has been working in the Erode region.

4. The learned Standing Counsel for the respondent submitted that the representation of the petitioner is under consideration before the Chief Engineer and appropriate orders will be passed on the said representation.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the

petitioner, directs the first respondent, to consider the representation of the petitioner dated 23.08.2016 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible. Till such time, the petitioner is directed to continue to work in the place where he is presently working.

7.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Chief Engineer/Distribution
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Erode Region, Erode - 9.
2. The Superintending Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Namakkal Electricity Distribution Circle,
Namakkal.

+2cc's to Mr.Balanharidas, Advocate, S.R.Nos.49918 & 50054
+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.50046

W.P. No.30732 of 2016

PA(CO)
CA(04/10/2016)

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