

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43775/2016 & WMP.No.37591/2016

E.M.K.Kabilar

..Petitioner

Vs

1.The Chairman

Tamil Nadu Generation and
Distribution Corporation Ltd.,
8th Floor, NPKRR Maaligai
144, Anna Salai, Chennai 600 002.

2.The Chief Engineer / Personnel

Tamil Nadu Generation and
Distribution Corporation Ltd.,
8th Floor, NPKRR Maaligai
144, Anna Salai, Chennai 600 002..

3.The Assistant Personnel Officer/ADM Staff

Tamil Nadu Generation and
Distribution Corporation Ltd.,
8th Floor, NPKRR Maaligai
144, Anna Salai, Chennai 600 002.

4.The Superintending Engineer

Tamil Nadu Generation and
Distribution Corporation Ltd.,
Chennai Electricity Distribution Circle/North
8th Floor, NPKRR Maaligai
144, Anna Salai, Chennai 600 002.

5.The Superintending Engineer

Villupuram Electricity Distribution Circle
Villupuram.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records relevant to the order in Memo No.099553-A/1198/G.33/G.331/2016-1 dated 03.12.2016 passed by the 3rd respondent consequently issued

relieving order passed by the 4th respondent in memo No.432/SC/CEDC/N/ADM.O/ADM-I/A.2/F.Relieving Order/2016 dated 03.12.2016 and quash the same as illegal, improper and thereby direct the respondents to permit the petitioner to continue in the existing working place as Assistant [ADM]/ADN-II Section/Central Office/CEDC/North.

For Petitioner : Mr.A.Rajesh Kanna
For Respondents : Mrs.R.Varalakshmi

ORDER

By consent, the writ petition is taken up for final disposal. Mrs.R.Varalakshmi, learned Standing Counsel accepts notice on behalf of the respondents.

2 The petitioner, while working as Assistant [ADM]/ADM-II Section/Central Office/CEDC/North, was visited with disciplinary proceedings in the form of Charge Memo dated 28.11.2016 issued by the 4th respondent and pendency of the Disciplinary Proceedings, he has been transferred to Villupuram Electricity Distribution Circle on administrative grounds in the existing vacancy, vide Impugned Order of the 2nd respondent dated 03.12.2016. Challenging the legality of the same, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the petitioner is suffering due to "Non Hodgkin's Lymphoma" and is undergoing Chemotherapy and to evidence the same, he has also produced the Medical Certificate in Reference No.1917 dated 10.12.2016 issued by Prime Indian Hospitals, Arumbakkam, Chennai-106 and he was also advised not to strain / undertake long journey for a period of three months. The petitioner has also enclosed Medical Certificate for leave dated 03.12.2016 and hence, prays for appropriate orders.

4 This Court heard the submissions of Mrs.R.Varalakshmi, learned Standing Counsel appearing for the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a representation to the 2nd respondent as to the difficulties faced by him in the event of he joining the transferred post, within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent, on receipt of the same, is directed

to consider such representation in accordance with law, after affording an opportunity of personal hearing to the petitioner and pass appropriate orders within a further period of three weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The Chairman
Tamil Nadu Generation and
Distribution Corporation Ltd.,
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Distribution Corporation Ltd.,
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- 3.The Assistant Personnel Officer/ADM Staff
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- 4.The Superintending Engineer
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Distribution Corporation Ltd.,
Chennai Electricity Distribution Circle/North
8th Floor, NPKRR Maaligai
144, Anna Salai, Chennai 600 002.

5.The Superintending Engineer
Villupuram Electricity Distribution Circle
Villupuram.

+1cc to Mr.a. Rajesh Kanna, Advocate, S.R.No.74408

ug (CO)
md (22/12/2016)

W.P.No.43775/2016



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