



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2016

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD) No.10087 of 2016

and

W.M.P. (MD) No.7902 of 2016

A.Maheswaran

... Petitioner

Vs.

1.The Chief Engineer / Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna salai,
Chennai 600 002.

2.The Chief Engineer,
(Distribution),
Maharaja Nagar,
Tirunelveli.

3.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Ramamoorthy Road,
Virudhunagar.

4.The Assistant Executive Engineer,
Material Management,
Virudhunagar Electricity Distribution Circle,
Central Office,
Virudhunagar.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order of transfer passed by the 1st respondent dated 01.06.2016 in Memo No.042286/ G.13/ G.132/ 2016 and quash the same.

For Petitioner : Mr.S.Ramasamy
For Respondents: Mr.S.Dhayalan

ORDER



the respondents. By consent, the Writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

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3. By the impugned order of transfer, dated 01.06.2016, the petitioner, who is working as Junior Engineer / Electrical - I Grade, has been transferred on administrative grounds from Virudhunagar Electricity Distribution Circle to Keelakarai, Ramanathapuram Electricity Distribution Circle.

4. It is the case of the petitioner that he has rendered 18 years of unblemished and dedicated service without room for any allegation. In appreciation of his commendable work towards power restoration during Thana Cyclone which hit the Cuddalore District in the year 2012, the Chairman of the Tamil Nadu Electricity Board had issued "Appreciation Certificate" to him, which fact has not been placed before this Court. Ignoring the appreciation received by the petitioner, the respondents has issued the impugned order of transfer with malafide intention.

5. The learned counsel for the petitioner submitted that the petitioner made complaints with several allegations against some officials and only to wreck vengeance the impugned transfer order came to be passed with mala fide intention, without even considering his dedicated service rendered so far. Thus, he pleaded for interference.

6. A reading of the complaint does not reflect any substantial allegation against anyone. That being so, this Court is not able to appreciate the argument advanced by the learned counsel for the petitioner that the impugned order of transfer has been passed against him with malafide intention. It is well settled legal position that transfer is not only an incident of service, but, also a condition of service, therefore, no Government servant is entitled to be posted at one place. When the employer taking into account the administrative interest, effects transfer, the transferee has to make a representation only to the employer / department, because they alone can decide as to who should be transferred where. Hence, the Writ petition fails and the same is dismissed. No costs. Consequently, connected W.M.P. is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/



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To

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Central Office,
Virudhunagar.

+ 1 CC TO MR.S.RAMASAMY, ADVOCATE IN SR No. 28673

+ 1 CC TO MR.G.KASINATHA DURAI, ADVOCATE IN SR No. 29099

NBJ

TE/PEK/ : 30/06/2016 : 3P/7C

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and

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