

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal No.454 of 2017

N.Ravichandran .. Appellant/Petitioner

Vs.

1. The Chairman cum Managing Director
Tamil Nadu Generation & Distribution Corporation Ltd.
144, Anna Salai
Chennai 600 002.
2. The Chief Engineer Personnel
Tamil Nadu Generation & Distribution Corporation Ltd.
144, Anna Salai
Chennai 600 002.
3. The Chief Engineer/Distribution
Tamil Nadu Generation & Distribution Corporation Ltd.
Chennai Region/South/Chennai 600 002.
4. Kondalraj ... Respondents/Respondents

Appeal under Clause 15 of the Letters Patent filed against the order dated 24.3.2017 made in W.P.No.34737 of 2016.

Prayer in WP.NO.34737/16:

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari to Call for the records of the 2nd respondent relating to his Memo No. 081492/G.11/G.111/2016-1 dated 24.09.2016 and quash the same as illegal arbitrary without jurisdiction

For Appellant : Mr.C.K.Chandrasekar

For Respondents 1 to 3 : Mrs.R.Varalakshmi
Standing Counsel

J U D G M E N T

(Delivered by Huluvadi G.Ramesh,J)

The writ appeal is directed against the order dated 24.3.2017 made in W.P.No.34737 of 2016.

2. The appellant, Assistant Executive Engineer of the respondent Corporation, was transferred from Mambakkam to Sunguvarchatram. It was challenged by him in W.P.No.34737 of 2016 on the ground that he was transferred from the present place within one and a half year. The writ petition was dismissed by the learned single Judge finding that there is no mala fide intention on the part of the respondents in transferring the appellant.

3. Admittedly, transfer of an employee is not only an incident, but also a part of the service conditions and such order of transfer is not required to be interfered with lightly by a court of law in exercise of its discretionary jurisdiction unless the court finds that either the order is mala fide or that the service rules prohibit such transfer or that the authorities, who issued the order, had not the competence to pass the order. Further, it is entirely upon the competent authority to decide when, where and at what point of time a public servant is to be transferred from his present posting.

4. In the light of the above and in view of the fact that the appellant has joined duty in the transferred place, which is within the same circle and only 30 kms away, we do not find any reason to interfere with the order of the learned single Judge. However, if the name of the appellant is recommended for transfer again, the appellant is at liberty to express his difficulties to the respondents by way of a representation and the same shall be considered in accordance with law, at the earliest.

5. The writ appeal is disposed of accordingly. There shall be no order as to costs. Consequently, CMP No.6737 of 2017 is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

kpl

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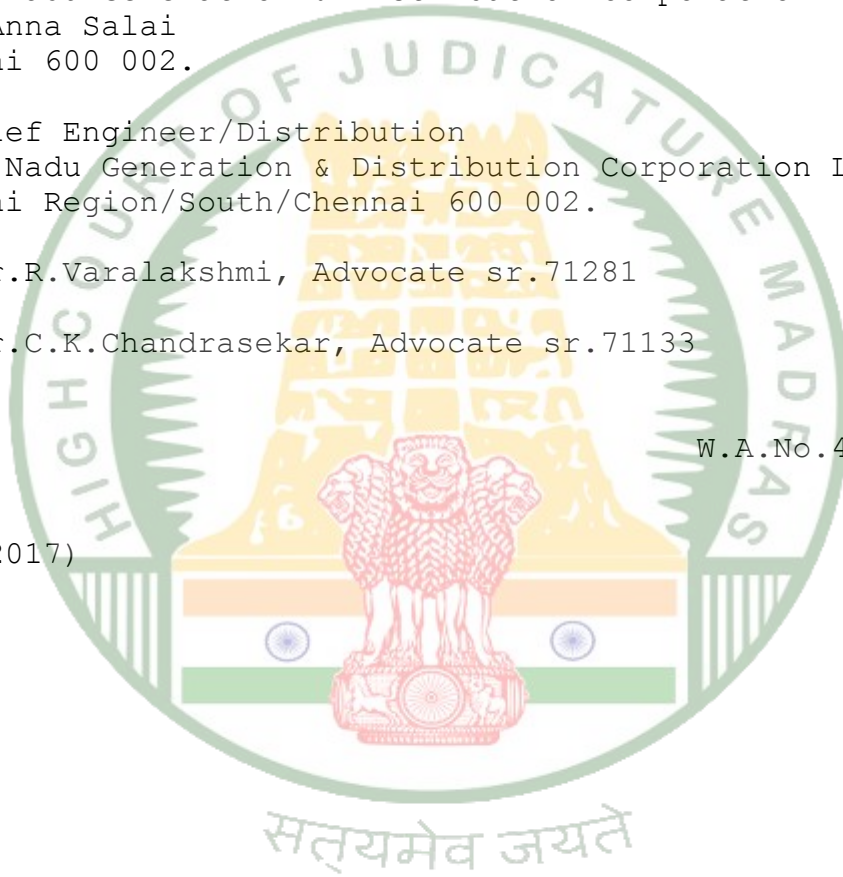
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+1cc to Mr.R.Varalakshmi, Advocate sr.71281

+1cc to Mr.C.K.Chandrasekar, Advocate sr.71133

W.A.No.454 of 2017.

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