

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21729 of 2017

and

W.M.P.No.22737 of 2017

E.M.K.Kabilar

..Petitioner

Vs

1.The Chairman

Tamil Nadu Generation and
Distribution Corporation Ltd.,
8th Floor, NPKRR Maaligai
No.144, Anna Salai
Chennai 600 002.

2.The Chief Engineer/Personnel

Tamil Nadu Generation and
Distribution Corporation Ltd.,
8th Floor, NPKRR Maaligai
No.144, Anna Salai
Chennai 600 002.

3.The Assistant Personnel Officer/ADM.Staff,

Tamil Nadu Generation and
Distribution Corporation Ltd.,
8th Floor, NPKRR Maaligai
No.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
No.144, Anna Salai
Chennai 600 002.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, to calling for the records relevant to the order in Memo.No.099553-A/1198/G.33/G.331/2016-5 dated 28.07.2017 passed by the third respondent and quash the same as illegal, improper and thereby direct the respondents to permit the petitioner to continue in the working place as Assistant (ADM)/ADM-II Section/Central Office/CEDC/North.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents: No Appearance

O R D E R

The order of transfer dated 28.07.2017 issued by the respondents, transferring the writ petitioner from Chennai Electricity Distribution Circle/North to North Chennai Thermal Power Station Stage-III is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner contended that the writ petitioner is a Cancer patient and taking treatment in a hospital in Chennai City. Further, he was subjected to transfer on earlier occasion and therefore, the transfer order now shown to be scrapped. Though, the writ petitioner claims that the order of transfer as punitive nature, there is substantial grounds enunciated in this writ petition to establish the same. Contrarily, on perusal of the order of transfer, it seems that the writ petitioner was transferred on administrative grounds.

3. This apart, the impugned transfer order was issued transferring the writ petitioner within North Chennai and therefore grounds raised by him that he is taking treatment in Chennai City, is not relevant. Even, after joining in the transferred place, the writ petitioner can continue his treatment in Chennai city.

4. Transfer is an incidental to service, more so, a condition of service. No writ can be entertained against an order of administrative transfer except on exceptional circumstances. In the case on hand, it is a transfer within North Chennai and thus, there is no reason, what-so-ever to interfere with the order of administrative transfer issued against the writ petitioner. The treatment by the writ petitioner has no relevance in this writ petition, since, he has been transfered within the Chennai City and he can very well

continue the treatment. Thus, no consideration is required to be shown in this writ petition and the grounds raised by the writ petitioner are absolutely irrelevant and no way helpful to him to question of administrative transfer issued by the respondents in proceedings dated 28.07.2017.

5. In this view of the matter, the writ petition is devoid of merits. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected the Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dna

To

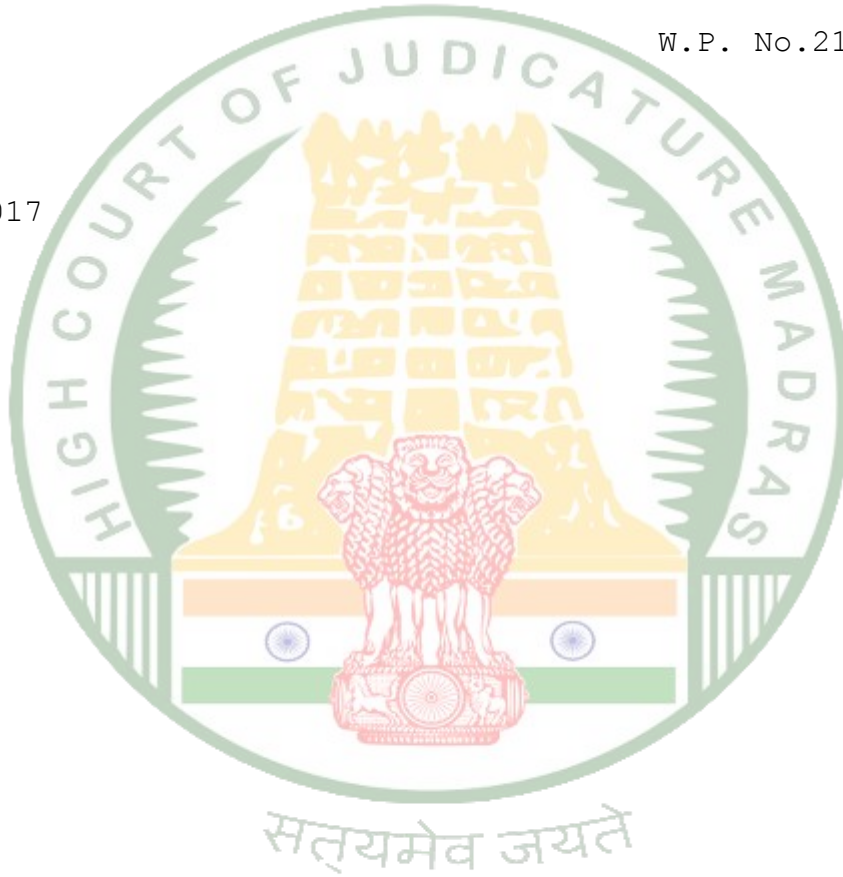
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+1 cc to Mr.A.Rajesh kumar Advocate sr 58666
+1 cc to Mrs.R.Varalakshmi Advocate sr 59209

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