

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.08.2017

Coram

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

**Writ Petition No.16170 of 2017
and
W.M.P.No.17469 of 2017**

R.Sureka

...Petitioner

Vs.

1. The Tamil Nadu Generation &
Distribution Corporation Limited
(TANGEDCO)
Rep.by its Chief Engineer (Personnel)
Anna Salai
Chennai - 600 002.

2. The Tamil Nadu Generation &
Distribution Corporation Limited
(TANGEDCO)
Rep.by its Superintending Engineer
Salem Electricity Distribution Circle
Salem - 636 014.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for
issuance of Writ of Certiorari calling for the records relating to the order of
the 2nd respondent dated 20.06.2017 in Ku.A.No.2885/684-
1/Ni.Pi./U.1/Ko.Maruthal/17, and quash the same.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.P.R.Dhilipkumar

ORDER

The order of transfer in Ku.A.No.2885/684-1/Ni.Pi./U.1/Ko.Maruthal/17, dated 20.06.2017, is under challenge in this writ petition.

2. The writ petitioner, who is working as Assistant Engineer was transferred from Muthunayakkanpatti - II to Muthunayakkanpatti – I on administrative grounds. Subsequently, pursuant to the orders passed by Chief Engineer in proceeding dated 17.06.2017, the said order transferring the writ petitioner from Muthunayakkanpatti – II was cancelled. Thereafter, the writ petitioner was transferred to Mallur and posted as Assistant Engineer (Operation and Maintenance), vide the impugned order dated 20.06.2017. Challenging the said transfer order, the present writ petition is moved.

3. Transfer is an incidental to service, more so, a condition of service. No writ can be entertained against the order of administrative transfers in a routine manner and only under exceptional circumstances judicial review can be undertaken. The order of administrative transfers can be interfered only in the event of raising the point of jurisdiction, incompetency or malafide. Even in the case of raising the allegation of malafide, the authority against whom such an allegation is made, has to be impleaded as a party in the writ proceedings in his personal capacity. In the absence of any one of the legal grounds, no writ can be entertained challenging the administrative ground transfers. Administrative transfers are routine affairs of the administration and it is for the competent authorities to decide the place and the post in which an employee has to be posted. An effective administration can be undertaken only by the authorities competent and it is not for the Court to interfere to such administrative powers exercised by the competent authorities. Effective administration is the mandate under the Constitution to achieve the goal of good governance. The authorities competent have to be allowed to exercise their powers and transfer the employees in accordance with law. Thus, in the absence of any violation on

statutory rules, challenging the transfer order is impermissible and no writ petition can be entertained. In this view of the matter, no consideration can be shown on the grounds set out in this writ petition.

4. Accordingly, the writ petition stands dismissed. However, no order as to costs. Consequently connected miscellaneous petition is closed.

01.08.2017

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Index : yes/no

To

1. The Chief Engineer (Personnel)
The Tamil Nadu Generation &
Distribution Corporation Limited
(TANGEDCO)
Anna Salai
Chennai - 600 002.

2. The Superintending Engineer
The Tamil Nadu Generation &
Distribution Corporation Limited
(TANGEDCO)
Salem Electricity Distribution Circle
Salem - 636 014.

S.M.SUBRAMANIAM, J.

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