

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2017

Coram:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26485 of 2017
and W.M.P.Nos.28193 and 28194 of 2017

P.Anandakumar

[Petitioner]

Vs

1. Chairman cum Managing Director
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO)
NPKRR Maaligai 144 Anna Salai Chennai 2
2. Chief Engineer / Personnel
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO)
NPKRR Maaligai, 144 Anna Salai Chennai 2
3. Superintending Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO)
CEDC / North /Coimbatore.
4. Superintending Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO)
VEDC / Virudhunagar.

[Respondents]

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified mandamus to call for the records pertaining to the impugned order Memo No. 077353 / 1444 / G42/ G.421/ 2017 dt 21.9.2017 issued by the 2nd respondent transferring the petitioner from Coimbatore Electricity Distribution Circle / North to Virudhunagar and to quash the same and further to direct the respondents to retain the petitioner in the Coimbatore Electricity Distribution Circle / North.

For Petitioner : Mr.R.Pandian
For Respondents : Mr.P.R.Dhilip Kumar, SC

O R D E R

Heard Mr.R.Pandian, learned counsel for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel for the respondents, who takes notice for the respondents and with their consent, the main writ petition itself is taken up for disposal.

2. The present writ petition is directed against the correctness of the impugned transfer order dated 21.09.2017 passed by the Chief Engineer / Personnel, Tamil Nadu Generation and Distribution Corporation Ltd (TANGEDCO), NPKRR Maaligai, Chennai, transferring the petitioner from Coimbatore Electricity Distribution Circle/North to Virudhunagar Electricity Distribution Circle, on the ground that the impugned order of transfer passed during the middle of the academic year is liable to be interfered with, failing which, the petitioner would be put to hardship, since his two children are school going and he is also having an infant, aged two years.

3. This Court is unable to entertain the writ petition for the reasons that the learned Standing Counsel appearing for the respondents submitted that from the date of the appointment i.e., from October 2013, the petitioner is in Coimbatore Electricity Distribution Circle and he has completed more than the requisite period and secondly, the order of transfer was passed on administrative grounds and therefore, the employer alone will be in a position to know who should be transferred and where.

4. Agreeing with the above submissions of the learned Standing Counsel for the respondents, keeping in mind that transfer is not only incident of service, but also condition of service, as the petitioner has completed more than three years in Coimbatore Electricity Distribution Circle and finding that the impugned order was passed on administrative grounds, this Court is not inclined to interfere with the same.

5. Accordingly, the writ petition is dismissed. No costs. Connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1 Chairman cum Managing Director
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDCO)
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Tamil Nadu Generation and Distribution
Corporation Ltd (TANGEDCO)
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VEDC / Virudhunagar.

+1 Cc to Ms.R. Pandian, Advocate sr 72717.

NM(CO)
sp(02/11/2017)

W.P.No.26485 of 2017

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