

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.01.2017

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.271 of 2017

and W.M.P.No.289 of 2017

J.Samuel Prabudas

S/o S.Jeyasudas (late),

Assistant Administrative Officer,

The Tamil Nadu Electricity Generation and

Distribution Corporation Ltd., (TANGEDCO),

Paramathivelur Division

Namakkal Electricity Distribution Circle,

Namakkal District.

... Petitioner

-Vs-

1. The Chief Engineer, (Personnel)

The Tamil Nadu Electricity Generation and

Distribution Corporation Ltd., (TANGEDCO)

No.144, Anna Salai,

Chennai j- 600 002

2. The Executive Engineer (Distribution)/ Urban Division,

The Tamil Nadu Electricity Generation and Distribution

Corporation Ltd., (TANGEDCO)

Tirunelveli-11.

... Respondents.

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st respondent to pass orders on the representation submitted by the petitioner back to Tirunelveli under reback policy without reference to the charge memo issued to the 2nd respondent in Memo No.3274/60/Se.po/v/napa/Thili/ni.a/ni.pi/kho.kattu/16 dated 18.11.2016 issued by the 2nd respondent within a time frame to be fixed by this Honourable Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.R.Varalakshmi for TNEB

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner, at present, is working as Assistant Administrative Officer from 10.02.2016 at Paramathivelur Division, Namakkal EDC, Namakkal District. According to him, his wife is working as Assistant Audit Officer in Tirunelveli Regional and she is suffering from Epilepsy, for which, she is under constant medical attention. They are having two sons and the first son is studying 12th standard and the 2nd son is studying 7th standard and nobody is there to look after his family. The petitioner would further submitted that the Tamil Nadu Generation Distribution Corporation ((TANGEDCO) is adopting reback policy, by which, if a person is posted outside the Division/ Circle on promotion he would be transferred back to the same Division/Circle if any vacancy arose in future. The petitioner would further submit that disciplinary proceedings was initiated against the petitioner in the form of charge memo dated 18.11.2016. According to the petitioner, he has nothing to do with the alleged delinquencies. The petitioner has also submitted a representation on 24.10.2016 to the 1st respondent to transfer him based upon the reback policy. Though it was received and acknowledged, it is yet to be given disposal. Hence, the petitioner came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that in the light of the Confidential Memo No.1240/Admn.Br/IR1(3)/89-2, dated 26.02.1990, the pendency of the disciplinary proceedings is nothing to do with the transfer. Therefore, prays for appropriate orders.

4. Per contra, Mrs.Varalakshmi, learned Standing Counsel appearing for TNEB, submitted that admittedly, the petitioner worked in Tirunelveli Electricity Distribution Circle for quite a number of years and on promotion he was accommodated at Paramathivelur Division, Namakkal EDC, Namakkal District. Since the charge memo pertains to certain delinquencies while he was working in Tirunelveli Circle, the petitioner, as a matter of right cannot ask for transfer to the very same circle.

5. This Court, considered the rival submissions and perused the materials placed on record.

6. Though the petitioner prays for a larger relief, this Court, in the light of the facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representation dated 24.10.2016 on merits in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ

petition is disposed of accordingly. No costs. Consequently,
connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Chief Engineer, (Personnel)
The Tamil Nadu Electricity Generation and
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No.144, Anna Salai,
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2. The Executive Engineer (Distribution)/ Urban Division,
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+1 cc to M/s.G.Sankaran Advocate sr 1443

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