



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.14847 of 2015

and

M.P (MD) Nos.1 and 2 of 2015 and W.M.P (MD) No.6625 of 2016

A.John Balasingh

...Petitioner

vs.

1)The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Tamil Nadu Electricity Board,
Chennai-600 002.

2)The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Trichy.

3)The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tuticorin Electricity Distribution Circle,
Tuticorin Post & District.

4)The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Tiruchendur Post,
Tuticorin Post & District.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, call for the records in pursuant to the Impugned Order passed by the 1st Respondent in Memo No.067852/1149/G.31/G.312/2015-1, dated 12.08.2015, and quash the same and consequently direct the respondents to permit the Petitioner to continue as Assistant Administrative Officer, Thiruchendur Division, Tuticorin Electricity Distribution Circle.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mrs.Srimathy for Mr.S.M.S.Johnny Basha

ORDER

The petitioner is challenging the impugned order of transfer on the ground that it is hit by *mala fides* and that as allegations are made against him, it would amount to stigma and therefore, the impugned order is liable to be set aside.



2.The petitioner is an Assistant Administrative Officer and was transferred to Tuticorin Electricity Distribution Circle on 14.06.2013 and thereafter transferred to Kuzhithurai Division in Kanyakumari Electricity Distribution Circle. According to the petitioner, the impugned transfer order is not an administrative transfer.

3.The 4th respondent has filed vacate stay petition as well as counter affidavit and the relevant portion is extracted below:-

'I respectfully submit that the petitioner is a troublesome officer. Wherever he is posted he creates problem. In the Tuticorin Electricity Distribution Circle the petitioner has created problem and has misbehaved with women employees. Several representations were received and one complaint was received from the Union itself. One of the employee namely Sasikala working under the control of petitioner has given a complaint of harassment and also other allegations. One such allegation is that the petitioner has forged an application in the name of Sasikala as if it appears that Sasikala has applied for request transfer. The other allegation is that the petitioner has sent SMS to the said Sasikala and also to other persons. In fact enquiry was ordered. In order to conduct free and fair enquiry and in order to avoid the petitioner's interference and influence in the enquiry the employer thought it fit to transfer the petitioner to Karur EDC. The administrative exigency warrants to complaint authority to transfer the petitioner to out of Tuticorin EDC and thus the impugned order was issued.'

4.According to the respondents, the Union and the individual have given complaint against the petitioner with regard to sexual harassment and a detailed enquiry was conducted, wherein, the charges made against the petitioner have been established. It is further contended that the employer thought it fit to transfer the petitioner by impugned order in order to keep the situation normal and that the administrative exigency warranted that the petitioner should be transferred out of Tuticorin Electricity Distribution Circle.

5.The petitioner has also produced the particulars collected under the Right to Information Act, to state that both the petitioner as well as one Sasikala are at fault. Even then, in order to have a conducive atmosphere in the establishment, this Court feels that there is no need to interfere with the impugned transfer order.



6. Even though the petitioner has contended that the impugned order amounts to stigma, it is not so. It is purely administrative transfer and charges have been established in the enquiry and that it is submitted that enquiry has been initiated for sexual harassment and a report has been sent and it is pending finalisation.

7. As this Court is of the view that it is a clear case of administrative transfer, the contention of the petitioner that the impugned order is hit by *mala fides* and not on administrative grounds, cannot be accepted. Hence, this Writ Petition is dismissed. The interim order already granted is vacated. However, this order will not preclude the respondent from considering the petitioner's request to post him in any other nearest place. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 and W.M.P(MD)No.6625 of 2016 are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1) The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Tamil Nadu Electricity Board,
Chennai-600 002.

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Tamil Nadu Electricity Board,
Tiruchendur Post, Tuticorin Post & District.

+One cc to M/S.M.SARAVANA KUMAR, Advocate, SR.No.2158

+One cc to M/S.S.M.S.JOHNNY BASHA, Advocate, SR.No.2232

W.P(MD)No.14847 of 2015
25.01.2017

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