



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2017

CORAM:

THE HONOURABLE Mr.JUSTICE P.D.AUDIKESSAVALU

WEB COPY

W.P. (MD) No.18758 of 2017

and

W.M.P. (MD) .Nos.15134 and 15135 of 2017

R.Santhana Muthukumar

... Petitioner

Vs.

1.The Chief Engineer/Personnel,
Tamil Nadu Generation & Distribution
Corporation ltd., (Administrative Branch),
8th Floor, N.P.K.R.R.Maaligai,
144, Anna Salai,
Chennai-600 002.

2.The Superintending Engineer (P&A)
Tuticorin Thermal Power Station,
Tuticorin-628 004.

3.The Superintending Engineer,
(Generation Circle)
Kundah,
The Nilgiris District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the impugned order of the 1st respondent in his proceedings in Memo No.083584/1252/G15/G151/2017-1, dated 26.09.2017 and quash the same and consequently, directing the 1st and 2nd respondent herein to allow the petitioner to discharge his duties as Assistant Engineer under the 2nd respondent herein.

For Petitioner : Mr.D.Srinivasaragavan

For Respondents : Mr.A.V.Ramanathan

O R D E R

It is brought to the notice of this Court by the learned counsel for the petitioner that the writ petition challenges the order of transfer is incidence of service and it is not subject to the administrative exigency exists on administrative ground are without jurisdiction.

2.When it was pointed out that transfer is an incidence of service and the same cannot be challenged except on the grounds of malafide or lack of jurisdiction of the authority, the learned



counsel for the petitioner sought to withdraw this writ petition with liberty to make a representation against the impugned transfer passed by the first respondent and he has also made an endorsement to that effect.

3. Recording the said endorsement, this Writ Petition is dismissed as withdrawn with liberty to the petitioner to make a representation to the first respondent on or before 20.10.2017 and on receipt of the same, the first respondent shall sympathetically consider the same and pass a reasoned order on merits in accordance with law and communicate the same to the petitioner on or before 15.11.2017. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Engineer/Personnel,
Tamil Nadu Generation & Distribution
Corporation ltd., (Administrative Branch)
8th Floor, N.P.K.R.R. Maaligai,
144, Anna Salai, Chennai-600 002.
2. The Superintending Engineer (P&A)
Tuticorin Thermal Power Station, Tuticorin-628 004.
3. The Superintending Engineer,
(Generation Circle)
Kundah,
The Nilgiris District.

+1cc to M/S.D.SRINIVASARAGAVAN, Advocate SR.No.82239

NS

MAS/SV-MMS/SAR1:13.10.2017:2P-5C

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