



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.476 of 2016

and

W.M.P. (MD) .No.398 of 2016

V.Kannappan

.. Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation & Distribution Corporation Limited,
No.144, Annasalai,
Chennai-2.
2. The Chief Engineer/Personnel,
Tamil Nadu Generation & Distribution Corporation Limited,
Administrative Branch,
No.144, Annasalai,
Chennai-2.
3. The Chief Engineer (Distribution)
Tamil Nadu Generation & Distribution Corporation Limited,
Madurai Region, Madurai. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Order in Memo.No.111518/742/G31/G.312/2015-10, dated 31.12.2015 on the file of the respondent No.2 and quash the same as illegal to the extent of transferring the petitioner from Sivagangai EDC to Division Office/Ramnad EDC.

For Petitioner : Mr.S.Lousis
for Mr. T.Lajapathi Roy

For Respondents : Mr.S.Dhayalan
for TNEB

ORDER

This writ petition is directed against the impugned order dated 31.12.2015 in Memo No.111518/742/G31/G.312/2015-10, passed by the second respondent and to quash the same as illegal to the extent of transferring the petitioner from Sivagangai EDC



to Division Office/Ramnad EDC.

2.The petitioner, who is working as Assistant Administrative Officer from 08.03.2013 in the office of the Superintending Engineer, Sivagangai Electricity Distribution Circle, made his application on 14.01.2015, requesting transfer to Manamadurai Division, indicating there is an existing vacancy for the post of Assistant Administrative Officer. When the petitioner's application was pending consideration, the second respondent has arbitrarily issued the impugned transfer order, dated 20.02.2015 transferring one Mr.S.Vijayakumar, in the vacant place, without following guidelines, viz., clause 15(a), which clearly provides that eligibility of transfer will arise only after completion of one year on duty in the present station.

3.The learned counsel appearing for the petitioner submitted that the petitioner has already applied for transfer to Manamadurai Division, in the existing vacancy for the post of Assistant Administrative Officer and without considering the petitioner's request, the second respondent had wrongly considered the transfer of one Mr.S.Vijayakumar. The learned counsel further submitted that the second respondent neither rejected his application nor passed any order. Aggrieved by the same, the petitioner has come to this Court for the aforesaid relief.

4.A counter affidavit has been filed by the respondents stating that when the petitioner is working as an Assistant Administrative Officer in the Office of the Superintending Engineer, Sivagangai Electricity Distribution Circle, the second respondent issued a proceedings dated 08.12.2014 stating that the post of Assistant Administrative Officer has been abolished and the same has been upgraded as Administrative Officer. In the meanwhile, the petitioner has submitted his application to the third respondent requesting to transfer him to the post of Assistant Administrative Officer, Manamadurai Division in the newly created post of Assistant Administrative Officer, instead of addressing his application to the first respondent. The reason is that if it is an existing post, the third respondent/ the Chief Engineer, Tamil Nadu Generation & Distribution Corporation Limited, Madurai Region, is the competent authority. If it is a newly created post, the Chief Engineer/Personnel, viz., the second respondent, is the competent authority. In this regard, the petitioner submitted his application to the third respondent, which cannot be considered, as he should have made his application before the second respondent. In the mean while, the application made rightly before the competent authority by the said Vijayakumar, was orders were passed. It is also submitted that there is no existing vacancy from Sivagangai Electricity Distribution Circle to Manamadurai Division. Since there is no



vacancy available in Sivagangai Distribution Circle Sivagangai, Thiruppathur and Manamadurai Division, as and when any vacancy arises in one of the region, the case of the petitioner would be considered.

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5. According to the said proposal, the learned counsel appearing for the petitioner would submit that the petitioner sought permission to join at Ramnad Electricity Distribution Circle.

6. Recording the said submission, this writ petition is disposed of directing the petitioner to join at Ramnad Electricity Distribution Circle within the period of one week from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Generation & Distribution Corporation Limited,
No.144, Annasalai,
Chennai-2.
2. The Chief Engineer/Personnel,
Tamil Nadu Generation & Distribution Corporation Limited,
Administrative Branch,
No.144, Annasalai,
Chennai-2.
3. The Chief Engineer (Distribution)
Tamil Nadu Generation & Distribution Corporation Limited,
Madurai Region, Madurai.

+ 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No. 65942

+ 1 cc TO Mr.S.Dayalan , Advocate in SR No. 66035

sss/Ns

AE/MR KKR/SAR4/05.10.2017/3P/6C

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17.07.2017