



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Writ Petition (MD) No.6354 of 2013

and

M.P(MD)No.1,2 & 3 of 2013

G.Jesuraj,

... 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,
Maharaja Nagar, Tirunelveli-627 011.

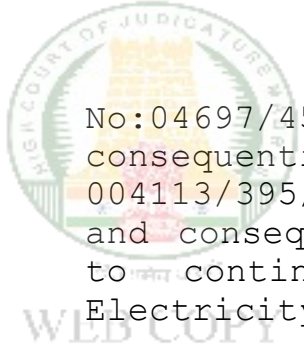
3.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Kanyakumari Electricity Distribution Circle,
Nagercoul, Kanyakumari District.

4.The Executive Engineer,
Thuckalay Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Thuckalay, Kanyakumari District.

5.Mr.P.K.Padmakumar,
Assessment Officer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Kanyakumari Electricity Distribution Circle,
Kuzhithurai Division,
Kuzhithurai Post,
Kanyakumari District.

... Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari Mandamus, calling for the records in pursuant to the Impugned Order passed by the second respondent in Memo



No:04697/457/Adm/A-1/F.AAO/2013 dated 13.04.2013 and the consequential order passed in Memo No: 004113/395/Adm/A1/F.AAO/2013 dated 13.04.2013 and quash the same and consequently direct the respondents to permit the petitioner to continue as Assessment Officer, Thuckalay, Kanyakumari Electricity Distribution Circle.

For Petitioner : Mr.M.Saravanakumar

For R1 to R4 : Mr.A.V.Ramanathan

For R5 : Mr.C.K.M.Appari

ORDER

This writ petition has been filed to call for the records on the file of the first respondent in connection with the impugned order passed by him in his proceedings in Na.Ka.No.3338/A2/2009, dated 27.04.2010 and consequential order passed by the second respondent vide Na.Ka.No.1222/A2/2010, dated 27.5.2010 and quash the same as illegal and arbitrary.

2. The petitioner who was working as Revenue Supervisor in Rajakkamangalam Section, was promoted as a Assessment Officer by proceedings dated 27.02.2013 and he was posted to Udumalpet Electricity Distribution Circle. Since one of the Assessment Officers in Kanyakumari Electricity Distribution Circle retired from service on 31.03.2013, the petitioner made a request to accommodate him in the Kanyakumari Electricity Distribution Circle itself. Accepting the said request of the petitioner, the petitioner was re-allotted to Kanyakumari Electricity Distribution Circle on 03.04.2013. Upon such re-allocation, the petitioner was appointed as Assessment Officer at Thuckalay, on 10.04.2013. On receipt of the said order, the petitioner was relieved from Rajakkamangalam on 12.04.2013. According to the petitioner, when he attempted to join duty at Thuckalay, on 13.04.2013, the fourth respondent, at the instance of some persons, refused to allow him to join. Then the petitioner was issued with the impugned order which states that re-posting order has already been issued to G.Jesuraj, Revenue Supervisor, Kanyakumari, ERC Nagar, on his promotion as Assessment Officer and he is re-posted to Thuckalay. On the same day, the fifth respondent was transferred and posted as Assessment Officer at Thuckalay, Division. Complaining that the impugned order has been passed only to accommodate 5th respondent, the petitioner has come forward with this petition.

3. The above narration of the facts would show that all is not well with the transfers and reporting. The order posting the petitioner as Assessment Officer, Thuckalay, was issued on 10.04.2013 and there was no vacancy at Thuckalay. However, the second respondent chose to transfer the fifth respondent as



Assessment Officer, at Thuckalay, on 13.04.2013. As already pointed out, there was no vacancy for the post of Assessment Officer at Thuckalay, on 13.04.2013. The petitioner has already been appointed on 10.04.2013 at Thuckalay. Only to overcome the said defects, the impugned order though issued in the garb of a correction came to be passed, thereby, transferring the petitioner from Thuckalay to Kuzithurai.

4. Heard the learned counsel appearing for the petitioner. The official respondents have not filed counter.

5. In the counter filed by the fifth respondent, it is claimed that the second respondent had transferred the petitioner from Rajakkamangalam to Kuzithurai. But, due to typographical error the order was wrongly typed as Thuckalay,. A reading para 4 of the counter would show that the second respondent had already transferred the fifth respondent from Kuzithurai Division to Thuckalay, Division and in turn, transferred the petitioner from Rajakkamangalam to Kuzhithurai in the place of the fifth respondent.

6. I have no hesitation to hold that the impugned order is passed only to accommodate the fifth respondent. Therefore, the impugned order is set aside. This Writ Petition is allowed. Rule-Nisi is made absolute.

7. It is stated by the counsel for the petitioner that though stay was granted on 17.04.2013, he was allowed to join duty at Thuckalay only on 06.09.2013. It is also stated that in view of the pendency of the Writ Petition, his service during the period 17.04.2013 to 05.09.2013 has not been regularised. The respondents are directed to regularize the service of the petitioner, during the relevant period. The said process shall be taken up and completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Chief Engineer/Personnel,
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Tamil Nadu Electricity Board,
Chennai-600 002.



2.The Chief Engineer,
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3.The Superintending Engineer,
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Tamil Nadu Electricity Board,
Kanyakumari Electricity Distribution Circle,
Nagercoul, Kanyakumari District.

4.The Executive Engineer,
Thuckalay Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Thuckalay, Kanyakumari District.

5.The Assessment Officer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Kanyakumari Electricity Distribution Circle,
Kuzhithurai Division,
Kuzhithurai Post,
Kanyakumari District.

+1 CC TO MR.A.U.RAMANATHAN,ADVOCATE,SR NO.15904

+1 CC TO MR.M.SARAVANAKUMAR,ADVOCATE,SR NO.15259

trp/sm

MAS/SV-MMS:20.04.2017:4P-8C

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