

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.5133 of 2018 and

W.M.P.No.6305/2018

P.Subramanian

... Petitioner

Vs

1. The Chief Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, 8th Floor,
N.P.K.R.R. Maaligai,
144, Annasalai, Chennai-2.
2. The Superintending Engineer,
Udumalpet Electricity Distribution Circle,
Udumalpet-642 126.
3. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Limited, Dhalavoipattinam,
Dharapuram Taluk. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Mandamus, directing the 3rd respondent to implement the order of the 1st respondent in Letter No.007270/110/G-59 G-591/2018-1 dated 16.02.2018 and consequential order of the 2nd respondent in Ku.Aa.No.874-1/Ni.A/Nir.1/U.1/ko.Nir. Transfer/2018 dated 22.02.2018 by permitting the petitioner to report to work and perform his duties as Revenue Supervisor in 3rd respondent Office.

For Petitioner : Mrs.P.Mahalakshmi
for Mr.N.Ponraj

For Respondents : Mr.P.R.Dhilipkumar

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 3rd respondent to implement the order of the 1st respondent in Letter No.007270/110/G-59 G-591/2018-1 dated 16.02.2018 and consequential order of the 2nd respondent in Ku.Aa.No.874-1/Ni.A/Nir.1/U.1/ko.Nir. Transfer/2018 dated 22.02.2018 by permitting the petitioner to report to work and perform his duties as Revenue Supervisor in 3rd respondent Office.

2. The case of the petitioner is that he was originally appointed as Assessor and subsequently, promoted as Inspector of Assessment and thereafter promoted as Revenue Supervisor and posted in the office of the 3rd respondent on 27.6.2017 at Dhalavoipattinam. While so, on 22.8.2017, he was transferred to Kaniyur. Since the petitioner is suffering from some health ailments, he sent a representation to the respondent Corporation requesting them to cancel the above transfer order and post him in any nearby place to Dhalavoipattinam. Accordingly, on 22.2.2018, his transfer order to Kaniyur was cancelled and he was retransferred to the 3rd respondent office and on receipt of the transfer order on 27.8.2018, when the petitioner went to the 3rd respondent office to report for work, he was not permitted to report for work. Under such circumstances, the petitioner gave a representation through e-mail to the respondents 1 and 2 on 28.2.2018 requesting them to take necessary steps to accept his reporting and permit him to perform his work as Revenue Supervisor in the 3rd respondent office. Since there was no response for the same, the petitioner is before this Court with this Writ Petition.

3. Heard Mr.P.R.Dhilipkumar, learned Counsel appearing for the respondents.

4. This Writ Petition is a clear sign and symbol of exercising arbitrary power of transfer by the 1st respondent, namely, the Chief Engineer, Tamil Nadu Generation and Distribution Corporation Limited, Chennai. Initially, within two months from the date of promotion of the petitioner as Revenue Supervisor at Dhalavoipattinam on 27.6.2017, he was transferred to Kaniyur by order dated 22.8.2017 of the 1st respondent. Thereafter, accepting the representation of the petitioner, the said transfer order was cancelled by order dated 16.2.2018 of the 1st respondent re-transferring him back to Dhalavoipattinam from Kaniyur, thereby taking completely 'U' turn against his own order, cancelling the Kaniyur transfer. When things stood thus, it appears that the petitioner is now re-transferred from Dhalavoipattinam to Kaniyur by order dated 28.2.2018 of the 1st respondent, thereby cancelling the transfer order dated 16.2.2018. It is not known how the 1st respondent can pass such three transfer orders, namely, transferring the petitioner to Kaniyur from Dhalavoipattinam by order dated 22.8.2017, thereafter cancelling the said transfer order and retransferring him to Dhalavoipattinam by order dated 16.2.2018 and once again cancelling the said transfer order and retransferring him to Kaniyur by order dated 28.2.2018 which shows utter confusion on the part of the 1st respondent.

5. In view of the above, the Writ Petition is allowed by directing the 3rd respondent to implement the order of the 1st

respondent in Letter No.007270/110/G-59 G-591/2018-1 dated 16.02.2018 and the consequential order of the 2nd respondent in Ku.Aa.No.874-1/Ni.A/Nir.1/U.1/ko.Nir. Transfer/2018 dated 22.02.2018 forthwith by permitting the petitioner to report for work and perform his duties as Revenue Supervisor in the 3rd respondent Office. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Engineer,
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Corporation Limited, 8th Floor,
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Udumalpet-642 126.
3. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Limited,
Dhalavoipattinam,
Dharapuram Taluk.

+1 cc to Mr.N.Ponraj Advocate sr 20151
+1 cc to Mr.P.R.Dhilip kumar Advocate sr 20997

W.P.No.5133 of 2018

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