

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.04.2018

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THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1183 of 2017
and C.M.P.No.16416 of 2017

E.M.K.Kabilar ... Appellant
Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
8th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.
 2. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
8th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.
 3. The Assistant Personnel Officer/ADM.Staff,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
8th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.
 4. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
8th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.
- Respondents

This Writ Appeal is filed under clause 15 of the Letters Patent against the order dated 16.08.2017 made in W.P.No.21729 of 2017 on the file of this Court.

Prayer in WP.No.21729/2017:Petitioe filed under Article 226 of the Constitution of India to issue of writ of certiorarified mandamus, to calling for the records relevant to the order in Memo.No.099553-A / 1198 / G.33/ / G.331 / 2016 -5 dated 28.07.2017 passed by the 3rd respondent and quash the same as illegal improper and thereby direct the respondent to permit the petitioner to continue in the working place as Assistant (ADM) / ADM -II Section / Central Office / CEDC / North

For Appellant : No appearance

For Respondent: Mr.P.R.Dhilip Kumar

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

This intra Court appeal came up for hearing on 25.04.2018. We have passed the following order taking into account the contention taken by the appellant:

'The appellant was transferred from Chennai Electricity Distribution Circle to Villupuram by order dated 03.12.2016. The said order was cancelled by proceedings dated 27.01.2017 and he was retained at Chennai. Subsequently, by order dated 28.07.2017, the appellant was transferred from Chennai Electricity Distribution Circle to North Chennai Thermal Power Station Stage III against the existing vacancy on administrative grounds.

2. A Writ Petition filed by the appellant challenging the order of transfer in W.P.No.21729 of 2017 was dismissed by the learned single Judge. The said order is put in issue in this intra Court appeal.

3. The appellant has produced string of documents to indicate that he is a cancer patient and is undergoing chemotherapy at Global Health City. It is the case of the appellant that it would not be possible for him to take treatment for cancer by working at North Chennai Thermal Power Station.

4. In view of the above, we direct the Chief Engineer/Personnel, Tamil Nadu Generation & Distribution Corporation Ltd. Administrative Branch to take a decision as to whether the appellant could be retained at his original station viz., Chennai Electricity Distribution Circle/North taking into account his treatment for cancer. The decision so taken shall be communicated to this Court by 27.04.2018, failing which, the Chief Engineer/Personnel shall appear in person before this Court on 28.04.2018.

5. Post on 27.04.2018.'

2. When the intra court appeal is taken up for hearing today, learned Standing Counsel appearing for the respondents by producing a copy of the order dated 12.10.2017 submitted that the transfer order issued to the appellant transferring him from Chennai EDC/North to North Chennai Thermal Power Station/Stage-III was cancelled and he is retained in the very same place.

3. Since the order transferring the appellant to the Chennai Thermal Power Station has already been cancelled and he was retained at the very same place, nothing survives for adjudication in this intra Court appeal.

4. The intra Court appeal is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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KAN(CO)
sm:18.5.2018

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