

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.Nos. 10691 & 10692 of 2018

W.P.No.10691 of 2018

A.Rajkumar, S/o.Annaikutti

..Petitioner

Vs

- 1.The Chairman cum Managing Director
Tamil Nadu Generation and Distribution Corporation Ltd.
144, Annasalai, Chennai - 600 002.
- 2.The Chief Engineer/Personnel
Tamil Nadu Generation and Distribution Corporation Ltd.
144, Annasalai, Chennai - 600 002.
- 3.The Superintending Engineer
Tamil Nadu Generation and Distribution Corporation Ltd.
Dindigul Electricity Distribution Circle, Dindigul District.
- 4.Thiru.K.P.S.Kumar
Revenue Supervisor
O/o.Assistant Engineer O&M
Thandikudi Section, Kodaikanal Taluk
Dindigul District-624 101.

.... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 14.12.2017 in conformity with Memo No.11412/G11/G111/2001-2 dated 03.01.2002 and the re-back policy issued by the 1st respondent viz. Memo No.00783/42/G.43/G.432/2009-1, dated 02.02.2009 within a stipulated time.

W.P.No.10692 of 2018

R.Kulandai Therasa

..Petitioner

Vs

- 1.The Chairman cum Managing Director
Tamil Nadu Generation and Distribution Corporation Ltd.
144, Annasalai, Chennai - 600 002.
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Dindigul Electricity Distribution Circle, Dindigul District.

4.Thiru.K.P.S.Kumar
Revenue Supervisor
O/o.Assistant Engineer O&M
Thandikudi Section, Kodaikanal Taluk
Dindigul District-624 101.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 14.12.2017 in conformity with Memo No.11412/G11/G111/2001-2 dated 03.01.2002 and the re-back policy issued by the 1st respondent viz. Memo No.007833/42/G.43/G.432/2009-1, dated 02.02.2009 within a stipulated time.

For Petitioners :Mr.K.Krishnamoorthy [in both WPs]

For Respondents :Mr.P.R.Dhilipkumar [in both WPs]

C O M M O N O R D E R

The relief sought for in these writ petitions is for a direction to direct the respondents 1 and 2 to consider the petitioners' representations dated 14.12.2017 in conformity with Memo No.11412/G11/G111/2001-2 dated 03.01.2002 and the re-back policy issued by the 1st respondent viz. Memo No.007833/42/G.43/G.432/2009-1, dated 02.02.2009 within a stipulated time.

2.The learned counsel appearing on behalf of the writ petitioners states that the guidelines issued by the Chief Engineer/Personnel in proceedings dated 03.01.2002 have not been followed by the authorities while issuing the transfer and posting orders.

3. This court is of an opinion that such guidelines are issued for administrative convenience. The instructions issued are not having any statutory enforceability. However, there cannot be any discrimination while effecting postings and transfers in respect of employees who are similarly placed.

4. This court is of an opinion that the competent authorities are bound to implement the instructions and policies in the interest of administration and by taking decision in a fair and reasonable manner. Thus, the instructions alone cannot be a ground for the purpose of grant of the relief to the writ petitioners. However, the instructions are to be followed

considering other factors including certain administrative exigencies.

5. The learned counsel appearing for the writ petitioners states that the authorities have acted in an unreasonable manner. Therefore, the writ petitioners are constrained to move the present writ petitions. However, without going into the merits of the matter, the second respondent is directed to consider the representations submitted by the writ petitioners on 14.12.2017 and pass orders on merits and in accordance with law, within a period of twelve(12) weeks from the date of receipt of a copy of this order. The writ petitioners are directed to enclose a copy of the representations and all other relevant documents along with the orders passed in these writ petitions.

Accordingly, these writ petitions are disposed of. However, there is no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman cum Managing Director
Tamil Nadu Generation and Distribution Corporation Ltd.
144, Annasalai, Chennai - 600 002.
- 2.The Chief Engineer/Personnel
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144, Annasalai, Chennai - 600 002.
- 3.The Superintending Engineer
Tamil Nadu Generation and Distribution Corporation Ltd.
Dindigul Electricity Distribution Circle, Dindigul District.

+2cc to Mr.K.Krishnamoorthy, Advocate sr.no.31058,31059

+1cc to Mr.P.R.Dhilipkumar, Advocate sr.no.31187

W.P.No. 10691 & 10692 of 2018

nr 21/05/2018