

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 18-04-2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.4752 OF 2018

P.Arichandran

...Petitioner

-vs-

1.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-2.

2.The Superintending Engineer,
Generation Circle/Kundha,
Nilgiris District-643 219.

3.The Assistant Engineer,
Electrical Division,
Kundha Power House-I,
Nilgiris District - 643 219.

4.The Superintending Engineer,
Erode Electricity Distribution Circle,
Erode.

...Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, directing the second and third respondents to issue relieving order to the petitioner so as to enable the petitioner to comply with the order of transfer passed by the first respondent vide Memo No.001860/827/G.42/G.422/2017-1, dated 12.10.2017, and consequential re-posting order, dated 26.10.2017, passed by the fourth respondent.

For petitioner : Mr.S.N.Ravichandran
For respondents: Mr.P.R.Dhilipkumar,
Standing Counsel.

O R D E R

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. This Writ Petition has been filed by the petitioner, challenging the inaction of respondents 2 and 3, in not

relieving him, in spite of an order of transfer in his favour to join in another district, on his representation, which has been made at the cost of losing his seniority, which is illegal and arbitrary, with a direction to issue a writ of mandamus, directing them to relieve him immediately to enable him to join in the new place of posting.

3. The petitioner is working as a Wireman under the second respondent. On his representation, he was transferred to the jurisdiction of fourth respondent, which was allowed by an order, dated 12.10.2017, issued by the first respondent, subject to the condition that he shall lose his service seniority and will be the juniormost in Erode Electricity Distribution Circle. Thereafter, the order of appointment was also issued by the fourth respondent. In spite of the same, respondents 2 and 3, who are the controlling authorities, have not relieved him, due to which, he is unable to join in the new place of posting. Hence, the prayer, as stated above.

4. Counter affidavit has been filed by respondents 2 and 3, assigning the reason that there was shortage of manpower for running the power station, for which the petitioner is not relieved.

5. Be that as it may, the request made by the petitioner for transfer has been allowed by the first respondent, who is the superior authority, and his posting order has also been passed. The second respondent, thereafter, has no authority to defy such an order for any reasons. Therefore, the inaction of respondents 2 and 3 is not permissible.

6. Under the circumstances, this Court directs respondents 2 and 3 to relieve the petitioner immediately from his post in order to enable him to join duty in the new place of posting under the administrative control of the fourth respondent. Such exercise shall be done within a period of seven days from the date of receipt or production of a copy of this order.

7. With the aforesaid order, this Writ Petition stands disposed of. However, in the circumstances, there shall be no order as to costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

dixit

To

- 1.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-2.
 - 2.The Superintending Engineer,
Generation Circle/Kundha,
Nilgiris District-643 219.
 - 3.The Assistant Engineer,
Electrical Division,
Kundha Power House-I,
Nilgiris District - 643 219.
 - 4.The Superintending Engineer,
Erode Electricity Distribution Circle,
Erode.
- +1 CC to Mr.S.N. Ravichandran, Advocate sr 28817.

SP(08/05/2018)

W.P.No.4752 OF 2018

सत्यमेव जयते

WEB COPY