

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.509 of 2018
and
C.M.P.No.4773 of 2018

D.Manivannan

Appellant

Versus

- 1 Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.
Rep by its Chairman
No.144 Anna Salai Chennai 600 002
 - 2 The Chief Engineer Personnel
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.
No.144 Anna Salai Chennai 600 002
 - 3 The Chief Engineer Distribution
Erode Region
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.
No.948 E.V.N.Road Erode 9
 - 4 The Superintending Engineer
Salem Electricity Distribution Circle
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.
Salem 14
 - 5 The Executive Engineer Operation &
Maintenance Town
Tamil Nadu Electricity Generation and Distribution
Corporation Ltd.
Salem 1
- Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters
Patent against the order dated 26.4.2016 passed in W.P.No.3750
of 2015 on the file of this court.

Petition filed under Article 226 of the Constitution of India

prays for a Writ of the 3rd Respondent in respect of the impugned order of transfer has been passed vide Memo No.012429/1255/Adm.1/A1/2014-I dt 9.7.2014 and quash the same.

For appellant : Mr.Perumbulavil Radhakrishnan

For respondents : Mr.P.R.Dhilipkumar (TNEB)

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.P.R.Dhilipkumar, learned counsel appearing for the respondents.

2. It appears that the appellant-Assistant Executive Engineer of Tamil Nadu Electricity Board was transferred by the impugned order from Deviakurichi, Salem Distribution Circle to Nathimedu on some administrative ground viz., his relationship with the consumer was not cordial from the point of view of administration, against which, he had filed the writ petition.

3. The learned Single Judge, having considered the case of the appellant, found that the order of transfer would not indicate that it was passed as a punitive measure and it was passed keeping in view of the administration of the Board. The learned Single Judge has also protected the interest of the appellant by holding that the observations made in the communications relied upon by the appellant had been made only keeping in mind the efficiency of the administration alone and they are to be understood and seen in their own context and cannot be put against the appellant for any other purposes, especially, when it had resulted in an administrative action and to transfer and the observations therein also cannot stand in the way of the Board placing the appellant in sensitive postings, in future, when the appellant has not been heard.

4. After having heard the learned counsel appearing for the parties and on going through the materials available on record, we find that the transfer order challenged in the present proceedings is only an incident of service and on administrative grounds. Moreover, the impugned order is of the year 2014. Now, we are in the year 2018. Moreover, the interest of the appellant is well protected. Therefore, we do not find any reason to interfere with the order passed by the learned Single Judge. The writ appeal is disposed of accordingly. However, we make it clear that the order of the learned Single Judge to the effect that the observations in the communications relied in the

present proceedings shall not come in the way of the career of the appellant, holds good. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS III)

//True copy//

Sub Assistant Registrar

ssk.

To:

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Salem 1

+1cc to Mr.Perumbulavil Radhakrishnan, Advocate SR.No.28345

W.A.No.509 of 2018

KAN(CO)
GN(31/05/2018)