

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.09.2018

CORAM
The Hon'ble Mr.Justice Satrughana Pujahari

W.P.No.23949 of 2018
and
W.M.P.No.27892 & 27893 of 2018

A.Ananthakumar

... Petitioner

vs.

1.The Joint Managing Director,
Tamil Nadu Generation and Distribution Corporation,
N.P.K.R.R. Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer - Personnel,
Tamil Nadu Generation and Distribution Corporation,
Administrative Branch,
8th Floor, N.P.K.R.R. Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

3.The Executive Engineer (O & M),
Tamil Nadu Generation and Distribution Corporation,
Kadamparai Power House,
Kadamparai, Valparai Taluk,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in pursuance to the issuance of Order of Transfer vide Memo No.072887/G15/152-2018 dated 13.08.2018 and Relieving Order vide Memo No.EE/O&M/KPH/JA/F.PRO/ D.500/2018 dated 14.08.2018 by the 3rd respondent and quash the same as illegal, arbitrary and against the principles of natural justice and consequently direct the 1st respondent to consider the representation dated 23.08.2018 and pass orders for retaining him as Assistant Executive Engineer (Mechanical) Maintenance-II, Kadamparai Hydropower Production Division.

For Petitioner : Mr.Lesi Saravanan

For Respondents : Mr.P.R.Dhilipkumar
Standing Counsel

O R D E R

Heard, Mr.Lesi Saravanan, the learned counsel appearing for the petitioner and Mr. P.R.Dhilip Kumar, the learned Standing Counsel, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal at the stage of admission.

2. The grievance of the petitioner, in this case is that, while he was working as an Assistant Executive Engineer (Mechanical) in Maintenance-II at Kadamparai, was transferred from Kadamparai Generation Circle to Thirumakkottai (K) Gas Turbine Power Station. Pursuant to such impugned order of transfer, he has already been relieved. But his transfer being a premature one, inasmuch as, he has to remain in present place (i.e Kadamparai Generation Circle) for two years as per the guidelines dated 07.04.2015 in this regard and he, having a school going children, in the midst of their education session, he has been transferred for which, his children are likely to suffer, he has made a representation on 23.08.2018 to the respondent No.1 to give a relook to the same. Since the said representation has evoked no response, he has come to this Court by way of this Writ Petition challenging such order of transfer so also the consequential relieving order on the ground that the same is illegal and arbitrary.

3. I have heard the learned counsel appearing for the parties. Since the transfer is incident of service and also the aforesaid guideline relied on by the petitioner is not a statutory one, I am not inclined to interfere with the order of transfer and the consequential relieve order. But, dispose of this Writ Petition at the stage of admission with a direction to the first respondent to consider such representation of the petitioner made on 23.08.2018, taking into consideration the plight of him and guidelines, if any, in this regard and pass orders within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that if the petitioner has not joined in the new place of posting in the meanwhile, no coercive action shall be taken against him for his non joining till disposal of the representation. No costs. Consequently, connected miscellaneous Writ Miscellaneous Petitions are closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

sni/sd

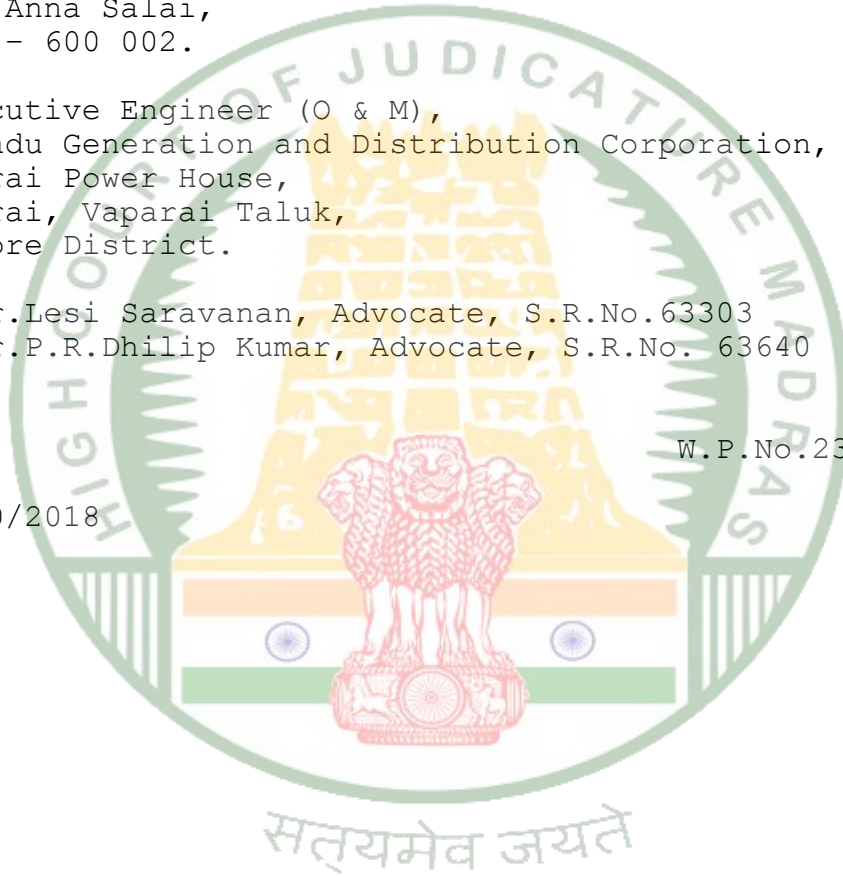
To

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Kadamparai Power House,
Kadamparai, Vaparai Taluk,
Coimbatore District.

+lcc to Mr.Lesi Saravanan, Advocate, S.R.No.63303
+lcc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No. 63640

W.P.No.23949 of 2018

rrs 11/10/2018



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