



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Nineteenth day of June Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

WMP(MD) No.11881 of 2018
IN WP(MD) No.12992 of 2018

P.VASANTHAMALAR,

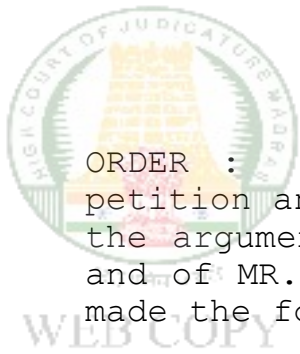
... PETITIONER/PETITIONER

Vs

- 1 THE TAMILNADU GENERATION AND
DISTRIBUTION CORPORATION LTD., (TANGEDCO),
REP.BY ITS CHIEF ENGINEER(PERSONNEL),
144, ANNA SALAI, CHENNAI.
- 2 THE SUPERINTENDING ENGINEER,
THE TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LTD, (TANGEDCO), TRICHY
ELECTRICITY DISTRIBUTION CIRCLE / METRO /
TRICHY, MANNARPURAM, TRICHY.
- 3 THE EXECUTIVE ENGINEER,
OPERATION AND MAINTENANCE / EAST / TRICHY,
THE TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION LTD., (TANGEDCO), MANNARPURAM,
TRICHY-20.
- 4 THE ASSISTANT EXECUTIVE ENGINEER,
OPERATION AND MAINTENANCE,
THE TAMILNADU GENERATION AND DISTRIBUTION
CORPORATION LTD., (TANGEDCO), SEMPATTU,
TRICHY-7.
- 5 THE ASSISTANT DIRECTOR
GENERAL OF POLICE, VIGILANCE, (TANGEDCO)
144, ANNA SALAI, CHENNAI-2.
- 6 K.PUGALENTHI

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the operation of the impugned order of transfer passed by the 1st respondent in Letter.No.044655 / 720 / G.26 / G.261 / 2018, dated 05/06/2018 and consequential order of 4th respondent in Memo.No.ALE / O & M / Sempattu / F.2 / D.No.41/17-18 dated 11/06/2018 pending disposal of the above writ petition.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.K.CHANDRASEKKAR, Advocate for the petitioner and of MR.K.BALASUBRAMANIAN, Advocate for the Respondents the court made the following order:-

ORDER

The learned counsel appearing for the petitioner submits that the impugned order of transfer has been made on the ground of adverse remarks. The similar order has been passed by the respondents authority in respect of other incumbent, by order dated 23.12.2017. The very same adverse remark reason has been interfered with by this Court in W.P.(MD)No.496 of 2018, dated 10.01.2018, wherein the learned Judge has passed the following orders:-

"3.The petitioner questions the impugned order of transfer. The third respondent had stated in the impugned order that this petitioner is transferred on administrative grounds and on adverse remarks. Since the order is on the face of it stigmatic and has been issued without putting the petitioner on notice, it is liable to be set aside.

4.The impugned transfer order passed by the third respondent Ref Memo No.011412/Ado/Adm.1/F.Trs./2017 dated 23.12.2017 and consequential order of the fifth respondent in memo No.AEE/R1/PMK/F.Doc/D/No.014/17 dated 06.01.2018 are quashed."

2.The order impugned in the present writ petition is also similarly passed based on some adverse remarks and therefore, certainly, stigma is attached with the petitioner herein and hence, it cannot be treated as an order of administrative transfer.

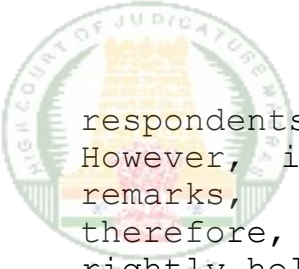
3.Yet another submission has also been made by the learned counsel appearing for the petitioner that, the petitioner has been posted to this place only in the month of November 2017, by order dated 15.11.2017. He would further submit that, within a short span of time, once again, the petitioner has been transferred through this impugned order and therefore, on that ground also, the impugned order is liable to be interfered with.

4.Mr.K.Balasubramanian, learned Standing Counsel who took notice on behalf of the respondents submits that, since it is an order of transfer on administrative ground, no interference is required. The learned Standing Counsel appearing for the respondents would further submit that though the word administrative ground has not been given in the impugned order, it cannot be treated as a punitive transfer and therefore, no interference is required.

5.I have considered the submissions made by both sides.

<https://hcservices.ecourts.gov.in/hcservices/>

6.Since it is an order of transfer, it is open to the



respondents to transfer the petitioner on administrative ground. However, if the transfer order is passed based on some adverse remarks, it cannot be treated as administrative transfer and therefore, an opportunity should be given to the petitioner, as rightly held by this Court in the aforesaid judgment.

7. In view of the prima facie case, there shall be an order of interim stay.

8. Post the matter after four weeks.

sd/-
19/06/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE CHIEF ENGINEER (PERSONNEL),
THE TAMILNADU GENERATION AND DISTRIBUTION CORPORATION LTD.,
(TANGEDCO), 144, ANNA SALAI, CHENNAI.
- 2 THE SUPERINTENDING ENGINEER,
THE TAMILNADU GENERATION AND DISTRIBUTION CORPORATION LTD,
(TANGEDCO), TRICHY ELECTRICITY DISTRIBUTION CIRCLE / METRO /
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- 3 THE EXECUTIVE ENGINEER,
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THE TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LTD.,
(TANGEDCO), MANNARPURAM, TRICHY-20.
- 4 THE ASSISTANT EXECUTIVE ENGINEER,
OPERATION AND MAINTENANCE,
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- 5 THE ASSISTANT DIRECTOR
GENERAL OF POLICE, VIGILANCE, (TANGEDCO) 144,
ANNA SALAI, CHENNAI-2.

+1. C.C. to M/S.A. RAHUL, Advocate SR.No.10802

ORDER IN
WMP (MD) No.11881 of 2018
IN
WP (MD) No.12992 of 2018
Date : 19/06/2018