



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.14852 of 2018

and

W.M.P. (MD) No.13395 of 2018

M.Sekar

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO,
Trichy Electricity Distribution Circle/Metro
Trichy - 20.

2.The Assistant Engineer,
O & M East Somarasampettai,
TANGEDCO, Trichy.

3.Sundaram,
Assistant Executive Engineer,
Operation and Maintenance,
Rural East, Trichy

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Memo No.311/Adm.IV/A1/F.Transfer/2018, 28.06.2018 and quash the same as illegal and arbitrary.

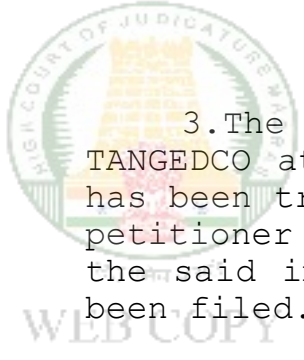
For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.Balasubramanian

ORDER

The prayer sought for in this writ petition is for a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Memo No.311/Adm.IV/A1/F.Transfer/2018 dated 28.06.2018 and quash the same as illegal and arbitrary.

2.Heard Mr.V.P.Rajan, learned counsel appearing for the petitioner and Mr.M.Balasubramanian, learned standing counsel appearing for the respondents.



3.The petitioner was working as Foreman at the respondent TANGEDCO at Trichy. By the impugned order dated 22/28.06.2016, he has been transferred to Thuraiyur. Consequently, on 30.06.2016, the petitioner has been relieved from the Trichy Office. Challenging the said impugned order of transfer, the present writ petition has been filed.

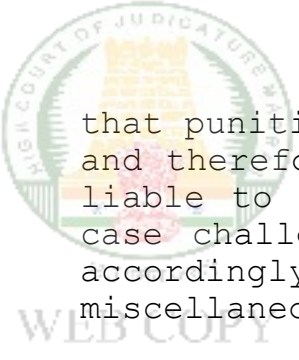
4.The learned counsel appearing for the petitioner would submit that in order to succumb to the pressure given by the third respondent, who is the Assistant Executive Engineer (Operation and Maintenance), Rural East, Trichy, the petitioner has been transferred to Trichy and therefore, with a malafide intention, the transfer has been made and hence, it is liable to be interfered with by this Court.

5.I have heard the learned standing counsel appearing for the respondents, who would submit that, the reason given by the petitioner through his counsel against the third respondent is absolutely without any basis as the impugned transfer order has been issued as a routine administrative transfer. The learned standing counsel would further submit that the petitioner had been working in the present station for more than 2-1/2 years and therefore, it is a regular due for him to get transfer on administrative reasons. Moreover, the petitioner has been transferred from Trichy to Thuraiyur, which is only an adjacent place and it is not far off place. Therefore, the impugned transfer order requires no interference from this Court.

6.I have considered the submissions made by both sides and perused the materials placed before this Court.

7.As has been rightly pointed by the learned standing counsel appearing for the respondents, it is only a routine administrative transfer, where the petitioner has been transferred from Trichy to Thuraiyur. The distance between Trichy and Thuraiyur is not far off and it is in the same District. Therefore, it cannot be treated as punitive transfer. Moreover, the reason stated by the learned counsel appearing for the petitioner that because of the pressure given by the third respondent, the petitioner has been transferred, is concerned, there is no whisper to substantiate such allegation, as as no material has been placed before this Court and on perusal of the impugned order, it shows that it is only a regular administrative transfer.

8.The Court will normally slow in interfering the transfer matters. However, in case of any violation of statutory rule and without jurisdiction or malafide intention, the transfer order is passed, then only, this Court would show its indulgence. Here in the case on hand, the impugned order cannot be fit in any of the ground for which, this Court can show indulgence against the transfer order. Since it is a routine administrative transfer that too in the same District in a nearby place, it cannot be construed



that punitive transfer order has been issued with malafide intention and therefore, the said contention raised by the petitioner side is liable to be rejected. Since the petitioner has not made out any case challenging the transfer order, this writ petition fails and accordingly, is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

/True Copy/

Sd/-
Assistant Registrar(CS-I)

Sub Assistant Registrar(CS-I)

W.P (MD) No.14852 of 2018
and
W.M.P. (MD) No.13395 of 2018
11.07.2018

Arul
ES/SKN/RSK/SAR 1/31.10.2018/3P/1C