



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.7135 of 2013

and

M.P. (MD) .No.2 of 2013

K.Shunmugam

... Petitioner

Vs.

1.The Tamilnadu Electricity Board,
Represented by the Chief Engineer Personal,
No.144, Anna Salai, Chennai.

2.Administrative Supervisor,
Tamilnadu Generation And Distribution Corporation Ltd.,
Tuticorin Power Distribution Circle,
Tuticorin.

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the orders passed by the 2nd respondent vide proceedings Ku.No.010879/135/NiPi.2/Vu.1/KoPa.Vu/2013 dated 20.04.2013, quash the same.

For Petitioner
For Respondents

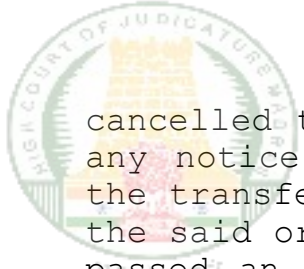
: Mr.D.Geetha
: Mr.A.U.Ramanathan,
(No appearance)

ORDER

The order issued by the second respondent in proceedings dated 24.02.2013 cancelling the transfer order issued to the writ petitioner is under challenge in this writ petition.

2.The writ petitioner is an employee of the respondent electricity board and when the writ petitioner was working as a Special Grade Foreman in the 230 KV Sub Station, SIPCOT, Meelavittan, Tuticorin, the second respondent in order dated 26.12.2012 transferred the writ petitioner from the said place to Tuticorin Division vide order dated 28.12.2012 the Executive Engineer of Tamil Nadu Generation and Distribution Corporation Limited, Urban/Tuticorin-2, reposted the writ petitioner to Urban West Section/Tuticorin in the existing vacancy and direct the petitioner to report for duty.

3.The writ petitioner joined as Special Grade Foreman at Tuticorin on 11.01.2013, when the petitioner was continuing in the said post, the first respondent by an order dated 06.04.2013



cancelled the order issued by the second respondent without issuing any notice to the writ petitioner. The reason for cancellation of the transfer order was not informed to the writ petitioner. Based on the said order passed by the first respondent, the second respondent passed an order dated 20.04.2013 directing the writ petitioner to report before the Junior Engineer at 230 KV Sub station, SIPCOT, Meelavittan, Tuticorin. At the outset the writ petitioner was transferred and retransferred in Tuticorin area only. This Court surprised that the writ petitioner is chosen the post at his choice. Even by virtue of an interim order granted in favour of the writ petitioner, the writ petitioner is continuing in the same post for more than 5 years. Thus, it is not preferable to allow the writ petition to continue in the same post further more.

4. Transfer is incidental to service more so a condition of service. The Government public servant cannot claim place or post as a matter of choice. The Government servants are liable to be posted on administrative grounds and for effective administration. In the case of the writ petitioner he was rightly and transferred within Tuticorin area only. This being the factum, there is no reason to entertain the claim of the writ petitioner to continue for the same station for any more. Accordingly, it is for the competent authority to take a decision and effect transfers on administrative ground and in the interest of public, if necessary. Accordingly, this writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Engineer Personal,
Tamilnadu Electricity Board,
No.144, Anna Salai, Chennai.
2. Administrative Supervisor,
Tamilnadu Generation And Distribution Corporation Ltd.,
Tuticorin Power Distribution Circle,
Tuticorin.

+1cc to M/S.T.Lajapathi Roy, Advocate SR.No. 51199

W.P. (MD) No. 7135 of 2013
and
M.P. (MD) No. 2 of 2013
23.02.2018