



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 690 of 2019

and

W.M.P.Nos. 755 & 758 of 2019

K.Sundaram

...Petitioner

Vs

1. Tamil Nadu Generation and Distribution Corporation
Rep. by its Chairman & Managing Director,
No.144, NPKRR Maaligai, Anna Salai,
Chennai - 02.

2. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation
No.144, NPKRR Maaligai, Anna Salai,
Chennai - 02.

3. V.Balasubramanian
Accounts Officer
O/o Superintending Engineer,
Palladam EDC
Palladam

4. K.Subash S.Menon
Accounts Officer
O/o Superintending Engineer,
Coimbatore EDC/South
Coimbatore - 641012

5. M.Albertraj,
Accounts Officer
O/o Superintending Engineer,
Coimbatore EDC/North
Coimbatore.

6. A.Nandakumar
Accounts Officer
O/o Superintending Engineer,
Thiruppur EDC,
Thiruppur.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorarified Mandamus, calling for the records from the 2nd respondent in connection with the impugned order of the 2nd respondent Letter No. 107936/2425/G302/2018-1, dated 28.12.2018, in so far as transferring the petitioner from Coimbatore EDC/Metro to Udulmaplet EDC in the post of Accounts Officer while retaining the 3rd, 4th, 5th and 6th respondents at the nearby places and quash the same and direct the respondents to allot the petitioner in Coimbatore EDC or any nearby places in the post of Accounts Officer as per the panel seniority mentioned in the proceedings issued by the 2nd respondent vide Memo. (Per) CMD TANGEDCO proceedings No. 122 dated 27.12.2018.

For Petitioner : Mr.K.Krishnamoorthy

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent in connection with the impugned order of the 2nd respondent Letter No. 107936/2425/G302/2018-1, dated 28.12.2018, in so far as transferring the petitioner from Coimbatore EDC/Metro to Udulmaplet EDC in the post of Accounts Officer while retaining the 3rd, 4th, 5th and 6th respondents at the nearby places and quash the same and direct the respondents to allot the petitioner in Coimbatore EDC or any nearby places in the post of Accounts Officer as per the panel seniority mentioned in the proceedings issued by the 2nd respondent vide Memo. (Per) CMD TANGEDCO proceedings No. 122 dated 27.12.2018.

2. The learned counsel for the petitioner would submit that the petitioner is promoted to the post of accounts officer by the order dated 27.12.2018. Panel seniority was drawn and in that the name of the petitioner is shown in rank no. 6, likewise 3rd, 4th and 5th respondents are also being promoted to the post of accounts officer and in the panel seniority they are juniors to the petitioner. The 2nd respondent issued an order of allotment on promotion in which the petitioner is transferred to Udumalai EDC from Coimbatore EDC.Metro. Whereas, the juniors namely 3rd, 4th and 5th respondents are posted/allotted at the nearest places than the petitioner. The 2nd respondent in the matter of promotion and transfer in respect of clause II service employee issued guideline stating that the senior most should be first considered the nearest possible vacancy on promotion. The above guidelines are not being followed and have been violated by the 2nd respondent. Hence the present writ petition is filed.



3. The learned counsel for the petitioner would further submit that liberty may be granted to the petitioner to make a proper application to the concerned Authority for retransfer or the suitable place.

4. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the impugned order, however liberty is granted, after joining the transferred place, to the petitioner to make a fresh application before the appropriate authority in the manner known to law and the second respondent is directed to consider the application as per the rules and schemes.

5. Accordingly, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman & Managing Director,
Tamil Nadu Generation and Distribution Corporation
No.144, NPKRR Maaligai, Anna Salai,
Chennai - 02.
2. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation
No.144, NPKRR Maaligai, Anna Salai,
Chennai - 02.

+1cc to Mr.K.Krishnamoorthy, Advocate Sr.78589
+1cc to Mr.P.R.Dhilip kumar, Advocate Sr.77946

W.P.No. 690 of 2019

nrl[co]
srg 07/01/2020