

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31..01..2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.29235 of 2014

and

W.M.P.No.1 of 2014

D.Manivannan

... Petitioner

-Versus-

- 1.The Chairman and Managing Director,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,\
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer/Personnel,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
No.144, Anna Salai,
Chennai - 600 002.
- 3.The Chief Engineer/Distribution,
Erode Region,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
No.948, E.V.N. Road,
Erode - 638 009.
- 4.The Superintending Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Salem - 636 014.
5. The Executive Engineer,
Operation and Maintenance, Town,
Tamil Nadu Electricity Generation and
Distribution Corporation Limited,
Salem-636 001.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing Memo No.092556/G-11/G.111/201-6 dated 18.02.2014 passed by the

first respondent and communicated by the second respondent in so far as it relates to the third paragraph therein and quash the said paragraph and consequently, to direct the respondents to hold a departmental enquiry into the charges/allegations made in the said 3rd paragraph or in case, no enquiry is held within a specific time to be fixed by this Court, issue a Corrigendum deleting the said 3rd paragraph of the impugned order.

For Petitioner

Mr.Perumbulavil
Radhakrishnan

For Respondents

Mr.P.R. Dhlip Kumar
[TNEB)

ORDER

Challenging the adverse remarks made in the order of transfer dated 18.02.2014 passed by the 3rd respondent in Memo No.092556/G-11/G.111/201-6 after refusing to consider the request of the petitioner for re-transfer, the petitioner is before this court with this writ petition.

2. According to the petitioner, while he was working as Assistant Executive Engineer, he was transferred from Ponnammampet to Deviyakurichi. Challenging the order of transfer, the petitioner filed a writ petition before this court in W.P.No.33306 of 2013 and this court, by order dated 09.12.2013, directed the petitioner to submit a representation before the 3rd respondent seeking re-transfer. Based on that order, the order impugned in this writ petition came to be passed stating that some complaint were pending against the petitioner and based on the recommendations of the Chief Engineer, transfer was made and it was not with any malafide intention. It is this order which is now under challenge in this writ petition.

3. Today, when the matter came up for hearing, the learned counsel for the petitioner submitted that now, the petitioner has been transferred from Deviyakurichi to Nethimedu in Salem District. Hence, the order impugned in the writ petition has become infructuous. However, the learned counsel for the petitioner submitted that in para 3 of the impugned order it was stated that transfer was effected due to certain complaints, which, according to the petitioner, would have an impact in the rest of his service.

4. Considering the fact that already the petitioner has been transferred to the other place, the remarks made in para 3 of the impugned order need not be perused by the authorities at this stage. Hence, the remarks made in para 3 of the impugned order is set aside.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner has got old aged parents and they are residing at Salem and he is the only person to look after them and if he is posed to far away place, he may not be in a position to take care of the old aged ailing parents. Therefore, the learned counsel prayed this court that the respondents may be directed to consider the request of the petitioner for re-transfer to Salem District.

6. Considering the above circumstances, the petitioner is at liberty to make a representation before the 2nd respondent seeking for transfer to Salem City and on such representation, the 2nd respondent shall consider the same sympathetically and pass suitable orders.

7. In the result, the writ petition is disposed of with the above directions. No costs. Consequently, connected MP is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

msm / kmk

To

1. The Chairman and Managing Director, TANGEDCO Ltd.,
No.144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer/Personnel, Tamil Nadu Electricity
Generation and Distribution Corporation Limited,
No.144, Anna Salai, Chennai - 600 002.
3. The Chief Engineer/Distribution, Erode Region,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited, No.948, E.V.N. Road, Erode - 638 009.
4. The Superintending Engineer, Salem Electricity
Distribution Circle, Tamil Nadu Electricity Generation and
Distribution Corporation Limited, Salem - 636 014.
5. The Executive Engineer, Operation and Maintenance, Town,
Tamil Nadu Electricity Generation and Distribution
Corporation Limited, Salem-636 001.

+1 CC to Mr.Perumbulavil Radhakrishnan, Advocate sr 8528.

W.P.No.29235 of 2014

SP(04/03/2019)