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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13712 of 2019

and

W.M.P. (MD) Nos.10257 and 10258 of 2019

S.Swaminathan

.. Petitioner

Vs.

1.The Chief Engineer/Personal,
Tamil Nadu Generation and
Corporation Ltd., (Administrative Branch),
144, Anna Salai,
Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Pudukkottai Electricity Distribution Circle,
Pudukkottai District.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Sivagangai Electricity Distribution Circle,
Sivagangai District.

.. Respondents

Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in his proceedings in Memo No.036334/473/G42/G422/2019, dated 13.06.2019 and quash the same as illegal.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.M.Balasubramaniam

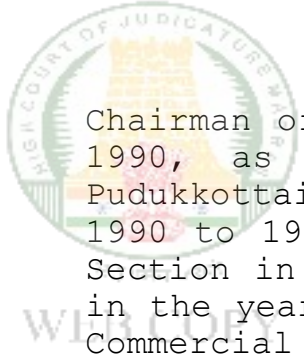
ORDER

This Writ Petition has been filed seeking to quash the impugned order of the first respondent in Memo No.036334/473/G42/G422/2019, dated 13.06.2019.

2.Mr.M.Balasubramaniam, learned Standing Counsel takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

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

3.According to the petitioner, he was appointed as Helper on 16.04.1987 at Annavasal Section, Pudukkottai Division, by the



Chairman of the Electricity Board and he was promoted, in the year 1990, as Commercial Assistant and posted at Iluppur Section, Pudukkottai Division, by the second respondent and served there from 1990 to 1994. Subsequently, he was again transferred to Annavasal Section in the year 1995 and also transferred to Thirumayam Section in the year 1997. Thereafter, in the year 1998, he was promoted as Commercial Inspector of Pudukkottai Town Section and served in various places. In the year 2014, he was promoted as Special Grade Foreman of Thiruvappur Section, Pudukkottai Division and he has been working in that capacity till date in Thiruvappur Section.

4. According to the petitioner, he had undergone open heart by-pass surgery and two heart valves were changed in the year 2009 and he is also a chronic diabetic patient and taking continuous treatment at Malar Hospital, Pudukkottai and therefore, he cannot travel without the help of any attendant. Hence, the petitioner requested the Executive Engineer, TANGEDCO, Pudukkottai, to transfer him to the vacant place of Special Grade Foreman in Pudukkottai District, taking into his health condition, even from the years 2017 and 2019, but the first respondent, vide his proceedings dated 13.06.2019, transferred the petitioner to Sivagangai as Special Grade Foreman. Challenging the same, the present Writ Petition has been filed.

5. The learned Standing Counsel appearing for the respondents submitted that due to administrative reasons, the said transfer order has been passed. He further submitted that transfer is an incident of service and no employee has any vested right to claim posting at a particular place of his choice. In the absence of any arbitrariness or *malafides*, it is not open to the petitioner to challenge the transfer order and therefore, the learned Standing Counsel, prayed for dismissal of this Writ Petition.

6. The petitioner has joined as Special Grade Foreman of Thiruvappur Section, Pudukkottai Division, in the year 2014 and still, he is working there for more than five years and now, the present transfer order has been passed by the first respondent transferring the petitioner from Pudukkottai to Sivagangai. The petitioner has expressed his inability to join the new post for the reason that he had undergone open heart by-pass surgery in the year 2009 and now, without help of any attendant, he cannot travel beyond certain distance. However, as rightly submitted by the learned Standing Counsel for the respondents, the petitioner has been transferred from Pudukkottai District to Sivagangai District due to administrative reasons. Therefore, this Court cannot interfere with the said transfer order. However, it is open to the petitioner to make a representation to the authorities concerned within a period of one week from the date of receipt of a copy of this order. If any such representation is received, the respondents shall refer the petitioner to the Medical Board and based on the Medical Report, the respondents shall consider the representation of the petitioner and pass appropriate orders, as expeditiously as possible.

7. With the above direction, this Writ Petition is disposed of.



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No costs.
closed.

Consequently, connected Miscellaneous Petitions are

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Chief Engineer/Personal,
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W.P. (MD) No.13712 of 2019
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