



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.06.2019
CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

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W.P. (MD) No. 14042 of 2019
and
W.M.P. (MD) Nos. 10521 & 10522 of 2019

P. Manimegalai

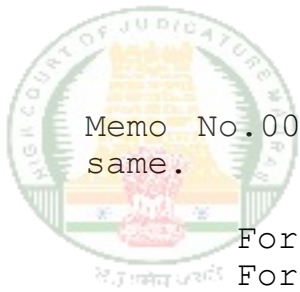
... Petitioner

Vs.

1. The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Rep. by its Chief Engineer (Personnel),
144, Anna Salai, Chennai.
2. The Chief Engineer/Distribution/Trichy,
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Trichy Region/Thennur/Trichy - 17.
3. The Superintending Engineer,
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Trichy Electricity Distribution Circle/Metro/
Trichy, Mannarpuram,
Trichy - 20.
4. G. Saravanan,
The Assistant Administrative Officer,
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Trichy Electricity Distribution Circle/Metro/
Srirangam Division,
Trichy District.
5. R. Rani,
Assistant Administrative Officer,
The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Office of Executive Engineer (O & M),
Srirangam,
Trichy.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned order of transfer passed by the first respondent in Memo No. 032283/492/G.31/G.312/2019 and Memo No. 032283/492/G.31/G.312/2019-1, both dated 06.06.2019 and consequential re-posting order of the second respondent issued in



Memo No.008608/1113/Adm.A/A.1/2019, dated 13.06.2019 and quash the same.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.P.Balasubramaniam

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ORDER

This Writ Petition has been filed seeking to quash the impugned order of transfer passed by the first respondent in Memo No. 032283 / 492 / G.31 / G.312 / 2019 and Memo No. 032283 / 492/ G.31 / G.312/2019-1, both dated 06.06.2019 and consequential re-posting order of the second respondent, issued in Memo No.008608/1113/Adm.A/A.1/2019, dated 13.06.2019.

2.Mr.P.Bala Subramaniam, learned Standing Counsel takes notice for the respondents.

3.According to the petitioner, she is presently working as Assistant Administrative Officer at Musiri Division in the Office of the Executive Engineer/O & M/Musiri at Trichy Electricity Distribution Circle/Metro. The fourth respondent joined in the post of Junior Assistant on compassionate ground in the TANGEDCO. He was promoted as Assistant, Administrative Supervisor and Assistant Administrative Officer. In order to accommodate the fourth respondent, the first respondent has passed an order dated 06.06.2019, by which, the fourth respondent has been transferred from the Office of Chief Engineer/Distribution/Trichy Region to the Office of the Executive Engineer (O & M), Srirangam. Since the fourth respondent has been posted to Srirangam in the place of the fifth respondent - R.Rani, who is serving as Assistant Administrative Officer at Srirangam, the fifth respondent has now been transferred to the petitioner's place, i.e., Musiri Division and the petitioner has been transferred from Musiri Division to the Office of the Chief Engineer/Distribution/Trichy, in the place of the fourth respondent, by the order passed by the first respondent, dated 06.06.2019. Further, the fourth respondent is facing disciplinary action and therefore, he is liable to be transferred from one circle to another circle and not within the same circle. Aggrieved by the same, the petitioner has filed the present Writ Petition before this Court seeking the relief stated supra.

4.The learned Standing Counsel appearing for the respondents submitted that there is no *malafide* attributed against the respondents and the said transfer order is a general transfer order and the allegations of the petitioner are totally baseless and the same are denied and therefore, the learned Standing Counsel prayed for dismissal of this Writ Petition.

5.Perusal of the facts and the grounds raised by the petitioner show that no material has been placed to show that there is *malafide* on the part of the official respondents in transferring



the petitioner. Admittedly, the fourth respondent, who is now working at Trichy for more than 12 years in the same Station, has now been transferred to Srirangam, i.e., in the fifth respondent's place. Therefore, the fifth respondent - R.Rani has been transferred to the petitioner's place viz., Musiri, and it is also an admitted fact that the petitioner had been working in the same place for more than three years. Therefore, on the aforesaid reasons, this Court cannot interfere with the transfer order. Transfer is not only an incident of service, but also a condition 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.

6. At this juncture, the learned counsel appearing for the petitioner submitted that due to her health condition, the petitioner could not able to travel for such long distance and take charge of the present place and hence, the petitioner may be permitted to make a request to the first respondent and the same may be considered.

7. In view of the above facts and circumstances of the case, this Writ Petition is dismissed with liberty to the petitioner to make a fresh representation by mentioning her health conditions to the first respondent. If any such representation is received, the same shall be considered sympathetically, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS)

To

1. The Chief Engineer (Personnel),
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai.
2. The Chief Engineer/Distribution/Trichy,
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Trichy Region/Thennur/Trichy - 17.
3. The Superintending Engineer,
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Trichy Electricity Distribution Circle/Metro/
Trichy, Mannarpuram,
Trichy - 20.



+1 CC to Mr.A.RAHUL, Advocate (SR-70862[F] dated 24/06/2019)

W.P. (MD) No.14042 of 2019
24.06.2019

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MK (26.06.2019) 4P 5C