

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.06.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

WEB COPY **W.P. (MD) Nos.14114, 14115, 14117 and 14119 of 2015**
and
M.P. (MD) .Nos.1,1,1,1,2,2,2,2,3,3,3 and 3 of 2015

1.S.Subramanian

2.M.Sureshkumar

3.V.Krishnan

4.G.Murugesan ... Petitioners in all W.Ps

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai, Chennai-600 002.

2.The Chief Engineer/Personnel
Tamil Nadu Generation and
Distribution Corporation Ltd.,
144, Anna Salai, Chennai-600 002. ...Respondents 1 & 2 in all WPs

3.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Theni Electricity Distribution Circle,
Theni District. ...Respondents 1 to 3 in WP No.14117/2015

4.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Karur Electricity Distribution Circle,
Karur District. ...Respondents 1 to 4 in WP No.14115/2015

1. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tirunelveli Electricity Distribution Circle,
Tirunelveli District.

2. The Superintending Engineer ,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thanjavur Electricity Distribution Circle,
Thanjavur District.Respondents 3,4 in WP No.14114/2015



- 1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Perambalur Electricity Distribution Circle,
Trichy District

... 4th Respondent in WP(MD)No. 14117/ 2015

WEB COPY

- 1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.
Tuticorin Electricity Distribution Circle,
Tuticorin District.

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

... Respondents 3 & 4 in WP(MD)No. 14119/ 2015

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 2nd respondent in No.086093/63/G.59/G.591/2015-1 dated 29.03.2015 and quash the same as illegal and arbitrarily and consequently direct the respondents to consider the petitioners' request Transfer Applications dated 16.06.2015, 29.06.2015, 07.07.2015 and 15.05.2015 respectively, within the time limit that may be stipulated by this Court.

For Petitioner in all

W.Ps

: Mr.M.Saravanakumar

For Respondents in

all W.Ps

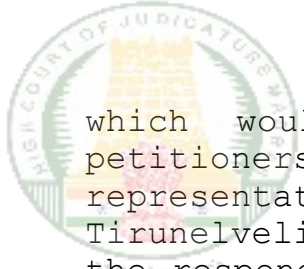
: Mr.G.Kasinatha Durai

COMMON ORDER

The order impugned was issued by the Chief Engineer/Personnel, Tamil Nadu Generation and Distribution Corporation Ltd., which was communicated to all the Superintending Engineers, Electricity Distribution Circle, concerned in proceedings, dated 29.03.2015. The order impugned is nothing but an allotment order made to post the employees, who were promoted to the post of Revenue Supervisors.

2.The grievance of the writ petitioners are that they are working as Assessors and Inspectors of Assessment in Tirunelveli Distribution Circle. The respondents had issued an order of promotion in proceedings, dated 25.06.2013 to the post of Revenue Supervisors (Regular Basis). The writ petitioners were promoted to the post of Revenue Supervisors and allotted to some other circle.

3.The learned counsel for the writ petitioners states that when posts are available in Tirunelveli Circle itself, the writ petitioners ought not to have been allotted to some other circle,



which would cause inconvenience to the family of the writ petitioners. In this regard, the writ petitioners had submitted representations to the competent authority to accommodate them in Tirunelveli and Theni Circle respectively. In view of the fact that the respondents had not accommodated the writ petitioners either at Tirunelveli and in one case at Theni, the writ petitioners are constrained to move the present writ petition.

4. At the outset, the writ petitioners claim that on promotion to the post of Revenue Supervisors, they should have been accommodated in Tirunelveli Circle and not in other Circles. However, the fact remains that the writ petitioners had joined in the place where they were posted and thereafter, made representations and in view of the representations, the present writ petitions are filed.

5. This Court is of the considered opinion that post or place can never be claimed as a matter of choice. A public servant is liable to work wherever he is posted. On promotion allotments are made to various circles in order to improve the efficiency in administration. Allotment of post and place is the administrative prerogative of the authority competent. The employee on promotion cannot claim a particular circle, post or place as a matter of right. However, the representations if any, is to be considered only by the authorities competent and the Courts cannot interfere with such routine transfer allotments in promotion.

6. The High Court cannot interfere with the routine administration of the State Department as well as the Corporations or other Government undertakings. The High Court can interfere with an order of transfer only on exceptional circumstances, if it is established that the authority, who had issued the allotment is incompetent or having no jurisdiction or if an allegation of malafide are raised or if the same is in violation of the statutory rules in force. Writ proceedings against such allotment or allotment of postings on promotion cannot be entertained and the power of judicial review under Article 226 of the constitution of India is undoubtedly limited and this Court cannot issue any direction in this regard to the administrative authorities.

7. The power of judicial review is to be exercised by the High Court under Article 226 of the constitution only, if there is any erroneous exercise of power or if any illegality or unconstitutionality. Certain routine administrative orders like transfer, postings or allotments are issued, then the High Court would not exercise the power of judicial review.

8. It is for the competent administrative authority to ascertain the situation and accordingly accommodate the persons to run the public administration smoothly and efficiently. In the event of any unnecessary interference by the High Court, the smooth functioning may be affected and the morale of the Department will be shaken.



In the event of issuing directions, the authorities competent may not be in a position to control the subordinates efficiently and to make them to perform their public duties and responsibilities to the level expected by the public at large.

9. This being the basic principles to be followed in the matter of transfer, Posts, allotments of circles on promotion, this Court is of the considered opinion that the writ petitioners had taken a right decision in joining the place where they have been posted and now after a lapse of so many years, the relief as such sought for cannot be granted.

10. A public servant must keep in mind that they are provided with an opportunity to serve the people of this great nation. Service to the public is service to God. The spirit of work level to be maintained, as they are receiving pay from and out of tax payers money. Thus, they must realize the fact that they are not supposed to get such a salary from the tax payers money, without performing their duties and responsibilities upto the mark and to the expectations of the people at large. This being the mind-set to be developed amongst the public servants, this Court is of the opinion that such writ petitions filed seeking a particular circle, posts or place can never be entertained at all. The request application in this regard is to be considered by the competent authorities, if there is any genuine personal grievance or otherwise is expressed. Thus, such grievances are to be redressed only on genuine circumstances, if any, with reference to the guidelines or rules in force. However, the very claim of the writ petitioners to accommodate them in nearby area or in a particular circle cannot be considered.

11. With these observations, all these writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

/ True Copy /

Sub Assistant Registrar (CS-)

To

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2. The Chief Engineer/Personnel
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6. The Superintending Engineer ,
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Thanjavur District.
7. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Perambalur Electricity Distribution Circle,
Trichy District
8. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.
Tuticorin Electricity Distribution Circle,
Tuticorin District.

+4 CC to M/s.M.SARAVANA KUMAR, Advocate
(SR-70209,70211, 70212, 70213,[F] dated 20/06/2019)

+1 CC to M/s.G.KASINATHA DURAI, Advocate
(SR-70620[F] dated 21/06/2019)

W.P. (MD) Nos.14114, 14115, 14117 and 14119 of 2015
and
M.P. (MD) .Nos.1,1,1,1,2,2,2,2,3,3,3 and 3 of 2015
19.06.2019

ES/11.07.2019/8P/14C