



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.6274 of 2019

and

W.M.P. (MD)Nos.5007 and 14617 of 2019

A.Ganesan

... Petitioner

-Vs-

Chief Engineer (Personnel),
TANGEDCO (Administrative Branch),
No.144, N.P.K.R.R., Maligai,
8th Floor, Anna Salai,
Chennai-2.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records on the file of the respondent in connection with the impugned order of transfer passed by him in his proceedings in Memo No.007990/126/G15/G152/2019-1, dated 06.02.2019 (served on 04.03.2019) and quash the same as illegal and arbitrary.

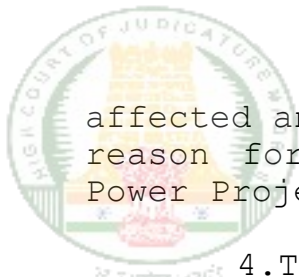
For Petitioner : Mr.G.Thalaimutharasu
For Respondent : Mr.G.Kasinatha Durai

ORDER

Heard Mr.G.Thalaimutharasu, learned counsel appearing on behalf of the petitioner and Mr.G.Kasinatha Durai, learned Standing Counsel appearing on behalf of the respondent.

2.The petitioner is challenging the order of transfer, dated 06.02.2019, issued by the respondent.

3.According to the petitioner, he is having 1 ½ years service for attaining the age of superannuation. He is suffering from back pain and nervous weakness in his right leg. His daughter is appearing for higher secondary examination. The respondent, in October, 2018, made regular transfer, but did not transfer the petitioner at that time. The petitioner, due to his illness, would not stand for long time and if he is made to work in the Super Critical Thermal Power Project-I, Udangudi, his health would be



affected and further contended that the respondent has not given any reason for transferring the petitioner to Super Critical Thermal Power Project-I, Udangudi.

4.The respondent has filed counter affidavit along with vacate stay petition.

5.The learned counsel for the respondent contended that every employee of the respondent is liable to be transferred as per Service Regulation 105(ii) Annexure IV of Tamil Nadu Electricity Board. Further, the employee, who had worked for more than three years in a particular place, is liable to be transferred to other places. The petitioner is working in the present Station from 11.09.2013 and he has transferred to Super Critical Thermal Power Project-I, Udangudi, and prayed for dismissal of the Writ Petition.

6.It is not in dispute that the petitioner is working in the respondent Corporation at Tirunelveli, for more than three years from 11.09.2013. According to the respondent, a person, who is working in a particular station for more than three years, is liable to be transferred to other station. The said contention is not denied by the petitioner. However, the petitioner is transferred to Super Critical Thermal Power Project-I, Udangudi, against the existing vacancy on administrative convenience. It is relevant to extract Service Regulation 105(i) of Tamil Nadu Electricity Board Service Regulation, which reads as follows:-

"A member of a class of service may be required to serve in any post borne on the cadre of such class of service and in any place of duty as the exigencies of the administration require."

7.As per Service Regulation 105(i) of Tamil Nadu Electricity Board Service Regulation, a person is liable to be transferred to one place to another place on administrative exigency. Further, the transfer of Government servant is incidental to service. It is well settled that the order of transfer will not be interfered with by this Court, unless such transfer order is made for punishment or *mala fide* intention. The petitioner has not alleged any *mala fide* against the respondent or contended that the transfer is a punishment in nature. The contention of the learned counsel for the petitioner that the petitioner's daughter is appearing for higher secondary examination, has taken note of this Court at the time of admission and the order of transfer was kept in abeyance till 08.04.2019.

8.In view of Service Regulation 105(i) of Tamil Nadu Electricity Board Service Regulation, the impugned order of the respondent, dated 06.02.2019, is valid and this Court cannot interfere with the order of transfer.



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9. For the above reasons, this Writ Petition stands dismissed.
No costs. Consequently, connected miscellaneous petitions are
closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

Chief Engineer (Personnel),
TANGEDCO (Administrative Branch),
No.144, N.P.K.R.R., Maligai,
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