

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2020

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.7227 of 2020  
& WMP No.8649 of 2020

R.Saravanakumar

..Petitioner

Vs.

- 1.The Chairman & Managing Director,  
Tamil Nadu Electricity Generation  
and Distribution Corporation,  
10<sup>th</sup> Floor, NPKRR Maaligai,  
144, Anna Salai,  
Chennai-600 002.
- 2.The Chief Engineer(Personnel),  
Tamil Nadu Electricity Generation  
and Distribution Corporation,  
Eastern Wing,  
8<sup>th</sup> Floor,  
NPKRR Maaligai,  
144, Anna Salai,  
Chennai-600 002.
- 3.The Superintending Engineer(Gobi EDC),  
Tamil Nadu Electricity Generation  
and Distribution Corporation,  
Cutchery Street,  
Gobichettipalayam-638 452.
- 4.The Superintending Engineer(Dindigul EDC),  
Tamil Nadu Electricity Generation  
and Distribution Corporation,  
Meenakshinaickenpatti Post,  
Dindigul- 624 002
- 5.The Assistant Executive Engineer,  
Tamil Nadu Electricity Generation  
and Distribution Corporation,  
110/11KV Substation, Gobi EDC,  
Pungampalli,  
Erode-638 402

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorari to call for the records of the impugned order of transfer passed by the second respondent vide his proceedings in Memo No.015973/137/G42/G421/2020-2 dated 27.02.2020 and quash the same.

For Petitioner : Mr.R.Balaguru Swamy  
For Respondents : Mr.Karthick Rajan,  
Standing Counsel for TNEB

ORDER

This matter is taken up through web hearing.

2. This writ petition has been filed seeking for issuance of a Writ of Certiorari, to call for the records of the impugned order of transfer passed by the second respondent vide his proceedings in Memo No.015973/137/G42/G421/2020-2 dated 27.02.2020 and quash the same.

3. The case of the petitioner is that he was working as Foreman Grade-I, Gobichettipalayam Electricity Distribution Circle, in the office of the Divisional Engineer, Satyamangalam Electricity Distribution Circle. According to the petitioner, he had been transferred to number of places during his service career. The grievance of the petitioner is that he was lastly promoted and posted in the above place of work vide order dated 28.06.2018 and had been continuing in that place for some time. However, without completing three years of service, the petitioner was subjected to further transfer on 27.02.2020 to the 4<sup>th</sup> respondent office. According to him, that transfer order to a far away place without the petitioner completing three years of service in the place of his posting at Gobichettipalayam, was invalid. The petitioner also claimed to have some difficulties in being transferred to a place nearly 200 k.ms. from the place of his residence and he has also averred some problems on the domestic front like children's education etc.

4. The learned counsel appearing for the petitioner sought to assail the order of transfer on the grounds stated in the affidavit filed in support of the writ petition.

5. In response to the notice, Mr.Karthick Rajan, learned standing counsel entered appearance for the respondents. He

submitted that none of the grounds raised in the affidavit filed by the petitioner can be accepted for interfering with the transfer order. According to the learned Standing counsel, the petitioner has merely expressed his personal difficulty in working in the transferred place. It also transpired that the petitioner has joined in the place of transfer.

6. At this, the learned counsel for the petitioner would submit that the petitioner has requested for transfer to a nearby place of his residence in the same circle and such request may be considered sympathetically by the respondents.

7. The learned standing counsel for the respondents would submit that if any request made by the petitioner, would be considered sympathetically, if a direction is issued by this Court.

8. Considering the above narrative, this Court is of the view that the ends of justice would be met if the petitioner is directed to submit an appeal to the competent authority requesting for posting him in any of the available vacancies in nearby place of his erstwhile posting without upsetting administrative requirement as such.

9. In the above circumstances, the writ petition is disposed of with the following directions, viz.,

(i) The petitioner is hereby directed to submit an appeal to the competent authority, requesting for transfer and posting to the nearby place to his erstwhile place of posting, within a period of one week from the date of receipt of a copy of this order.

(b) On such appeal being made to the competent authority, the authority is directed to pass appropriate orders within a period of four weeks thereafter. The authority is directed to consider the request of the petitioner sympathetically and pragmatically while passing orders on the appeal.

The writ petition is disposed of, as indicated above. No costs. Consequently, connected WMP is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Chairman & Managing Director,  
Tamil Nadu Electricity Generation  
and Distribution Corporation,  
10<sup>th</sup> Floor, NPKRR Maaligai,  
144, Anna Salai,  
Chennai-600 002.
- 2.The Chief Engineer(Personnel),  
Tamil Nadu Electricity Generation  
and Distribution Corporation,  
Eastern Wing, 8<sup>th</sup> Floor,  
NPKRR Maaligai,  
144, Anna Salai,  
Chennai-600 002.
- 3.The Superintending Engineer(Gobi EDC),  
Tamil Nadu Electricity Generation  
and Distribution Corporation,  
Cutchery Street,  
Gobichettipalayam-638 452.
- 4.The Superintending Engineer(Dindigul EDC),  
Tamil Nadu Electricity Generation  
and Distribution Corporation,  
Meenakshinaickenpatti Post,  
Dindigul- 624 002.
- 5.The Assistant Executive Engineer,  
Tamil Nadu Electricity Generation  
and Distribution Corporation,  
110/11KV Substation, Gobi EDC,  
Pungampalli, Erode-638 402.

+1cc to Government Pleader in SR.No.26458

+1cc to Mr.Karthik Rajan, Advocate in SR.No.26278

WEB COPY

W.P.No.7227 of 2020

sks (co)

rr ii (03/09/2020)