

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.4206 of 2019
and C.M.P.No.26188 of 2019

M.Mohanraj

.. Appellant

-vs-

- 1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
- 2.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.
- 3.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, Nilgiri Electricity
Distribution Circle, Ooty, Nilgiri District.
- 4.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, Palladam Electricity
Distribution Circle, Palladam,
Tiruppur District.

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 13.11.2019 passed in W.P.No.18938 of 2019 on the file of this Court.

Prayer in WP.No.18938 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the

respondents in the letter bearing Memo No.014916/198/G.29/G.292/2019 dated 25.02.2019 culminating in the letter bearing No.01866/218/Ne.Pe.-I/U-2/Ko 02/2019 dated 26.02.2019 of the third respondent and Memo No.SE/PEDC/Pldm/DFC/AO/R/F.Dkt/D.No.1794/19 dated 26.02.2019 of the fourth respondent, quash the same and direct the respondents to forbear from initiating any action which are in excess of their jurisdiction against the petitioner.

For Appellant : Mr.N.L.Rajah
Senior Counsel,
for Mr.K.Narasimhan

For Respondents : Mr.Karthik Rajan,
Senior Standing Counsel.

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard Sri.N.L.Rajah, learned Senior Counsel for the appellant and Mr.Karthik Rajan, learned Standing Counsel for the respondent Electricity Board.

2.The appellant came up before this Court questioning his transfer order, but the learned Single Judge declined to interfere with the same on the ground that transfer is an exigency of service and the order as worded did not disclose any punitive measure, hence, it did not require any interference. The order of transfer is also found to be not contrary to rules or suffering from any malafides, hence, the relief prayed for was declined.

3.Having considered the submissions raised, we also do not find any patent error in the reasonings recorded by the learned Single Judge, but, we find that a relevant aspect which is more on humanitarian considerations appears to have been overlooked as contained in the representation of the appellant. We may reproduce the relevant paragraph of the representation dated 29.05.2019, copy whereof has been filed on record.

"After the demise of my father, I am the sole breadwinner of my family consisting of my mother aged 65 years, wife, and two sons. Further my younger brother who has benevolently given up his right for employment to me has also died recently. Hence I am the only guardian to his family also. My mother is a

cancer patient and is undergoing regular treatment. On every fortnight I have to take her for treatment, else her condition will go for the worse. The treatment has to be taken in Hospitals having facility to treat the disease. The treatment is being taken in Hospitals at Coimbatore. My elder son is studying in class 12th (+2). At this juncture, my transfer that too to a distant hill station will totally disrupt the studies and my family more specifically my ailing mother who is suffering from cancer will be put into huge hardship and pain."

4. Having reproduced the aforesaid grievance which may be genuine, we find that a proportionate consideration is required on the request made by the appellant. To this extent, we modify the order of the learned Single Judge and direct the Chief Engineer - Personnel, to sympathetically consider the said request of the appellant and if possible, modify the transfer order keeping in view the genuineness of the request made by him, within a period of fifteen days from the date of presentation of a certified copy of this order.

The Writ Appeal stands disposed of accordingly. There shall be no order as to costs. Consequently, C.M.P.No.26188 of 2019 is closed.

Sd/-
Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

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

2. The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited, 144, Anna Salai,
Chennai 600 002.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, Nilgiri Electricity
Distribution Circle, Ooty, Nilgiri District.

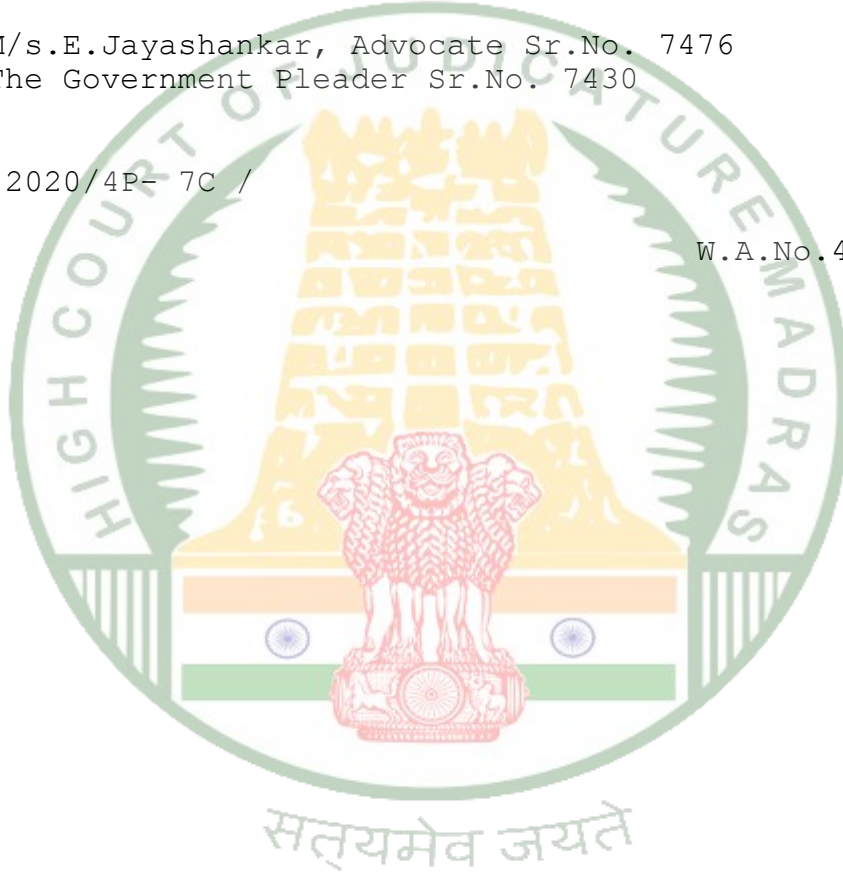
4.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited, Palladam Electricity
Distribution Circle, Palladam,
Tiruppur District.

+1 cc to M/s.E.Jayashankar, Advocate Sr.No. 7476

+1 cc to The Government Pleader Sr.No. 7430

AKM/31.01.2020/4P- 7C /

W.A.No.4206 of 2019



WEB COPY