



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.24620 of 2019

and

W.M.P(MD).No.21261 of 2019

and W.M.P(MD).No.1113 of 2020

WEB COPY

R.C.Meyalagi

... Petitioner

/vs./

1.The Additional Chief Engineer,
Generation Circle (TANGEDCO),
Tirunelveli-11

2.The Executive Engineer,
Periyar Power House (TANGEDCO)
Tirunelveli District.

3.The Assistant Executive Engineer
Special Maintenance (TANGEDCO)
Periyar Project 626 525
Theni District.

... Respondents

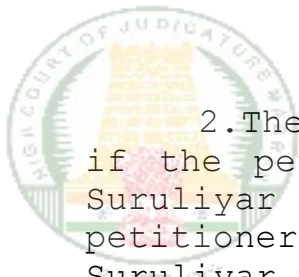
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned transfer proceedings of first respondent in Memo No.150/Adm.I/A.1/F.RT/2019 dated 09.11.2019 and consequential relieving order of third respondent vide proceedings Memo No.AEE/SPL/PYR/F.01/D.144/2019 dated 18.11.2019 and directing the respondents to allow the petitioner to continue her work in the present place as Assistant Engineer/Electrical, Periyar Vaigai Small Hydro Power House-I and quash the same as illegal and unconstitutional.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.T.Sakthikumaran
Standing Counsel

ORDER

The grounds raised by the petitioner herein challenging the transfer order may not be sufficient grounds for the purpose of invoking the powers of this Court under Article 226 of the Constitution of India. It is the settled proposition that insofar as transfer orders are concerned, unless and until the *mala fides* are established or the authority is questioned, it would not be appropriate for this Court to interfere with the transfer order.



2.The learned counsel for the petitioner would suggest that if the petitioner is transferred to any other place other than Suruliyar Power House, she would be satisfied, since the petitioner being a lady, would find inconvenience serving in Suruliyar power house, which is a forest area.

3.The learned Standing Counsel for the respondents suggested that there is a vacancy in K.G.Patti power house.

4.This Court is of the view that if the petitioner is transferred to K.G.Patti instead of Suruliyar, the same would take care of the petitioner's interest. The learned counsel for the petitioner, on instructions from his client, would submit that it is agreeable for her to be posted at K.G.Patti instead of Suruliyar power house.

5.In view of the submission made by the learned counsel for the petitioner, the impugned transfer order dated 09.11.2019 stands modified to the effect that the petitioner herein, namely R.C.Meyalagi shall stand transferred and posted to K.G.Patti power house. The second respondent shall pass appropriate orders in the light of the modification made by this Court in the present order.

6.With the above observations, the Writ Petition stands ordered accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

1.The Additional Chief Engineer,
Generation Circle (TANGEDCO),
Tirunelveli-11

2.The Executive Engineer,
Periyar Power House (TANGEDCO)
Tirunelveli District.



3.The Assistant Executive Engineer
Special Maintenance (TANGEDCO)
Periyar Project 626 525
Theni District.

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+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-5699[F] dated 11/02/2020

+2 CC to M/s.T.SAKTHIKUMARAN, Advocate (SR-6191[F] dated
13/02/2020)

Order made in
W.P.(MD) No.24620 of 2019
11.02.2020

smv (CO)
TR(13.02.2020) 3P 7C