



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.22850 of 2021

and

WMP.No.24062 of 2021

(Through Video Conferencing)

P.Gajapathy

...Petitioner

Vs.

1. The Chief Engineer (Permanent)
TANGEDCO
Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
TANGEDCO/CEDC/CENTRAL
Chennai - 600 034.
3. The Assistant Engineer (O & M)
TANGEDCO,
Sowcarpet East,
Chennai - 600 001.
4. The Superintending Engineer/Generation Circle,
TANGEDCO,
Tirunelveli.
5. Mr.Jayakumar
Foreman, Grade - I,
TANGEDCO, Sowcarpet (O & M)
Chennai - 600 001.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorafified Mandamus, to call for the records pertaining to the Orders in Memo No.085875/1468/G42/G.422/2020, dated 31.12.2020 on the file of the first Respondent and the consequential orders in: a) Ku.No.02/Oo.Ni.A/Ni.Bi.II/OoI/Ko.Vi.Ma/2021 dated 04.01.2021 on the file of the 4th Respondent and b) the Reliving Order in Lr.No.AE/O & M/SWPT East/FCF/D.No.302/20 dated 05.02.2021 on the file of the third Respondent, quash the same.



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For Petitioners : Mr.R.Selvakumar

For Respondents : Mr.P.Subramanian
Standing Counsel

O R D E R

The Petitioner has challenged the impugned transfer order transferring the Petitioner from Chennai to Tirunelveli Circle and the consequential order of the 4th Respondent dated 04.01.2021. It is the specific case of the Petitioner that though the Petitioner has been transferred from Chennai to Tirunelveli within a jurisdiction of the 4th Respondent and the Petitioner has been relieved from the office of the third Respondent at Chennai, the 4th Respondent has not issued any order asking the Petitioner to join the 4th Respondent. It is therefore submitted that the impugned orders passed by the Respondents are liable to be quashed.

2. Appearing on behalf of the Respondents, the learned counsel for the Respondents submits that the incriminatory documents were found from the Petitioner's place of work at Chennai and therefore on the aforesaid ground the Petitioner was transferred on administrative grounds. It is further submitted that the Petitioner has also not joined duty at Tirunelveli Circle even though the Petitioner has been relieved from Chennai on 05.02.2021.

3. By way of rejoinder, the learned counsel for the Petitioner submits that though the order dated 31.12.2020 of the first Respondent stated that the transfer was on account of the administrative ground. the order of the 4th Respondent states that the transfer is on account of request and that in the absence of any order, directing the Petitioner to join the particular post, the petitioner should be allowed to join the office of the 4th Respondent in terms of impugned order..

4. Heard the learned counsel for the Petitioner and the learned counsel for the Respondents and perused the impugned order.

5. This writ petition is disposed at the time of admission by directing the Petitioner to report the duty with the 4th Respondent by 08.11.2021. The 4th Respondent shall accommodate the Petitioner. The Petitioner shall be kept under watch. In case the Petitioner has not been paid with the salary, it is open to the Petitioner to send appropriate representation to the Respondents and if on such Representations are sent, concerned Respondents shall pass appropriate orders in accordance with law.



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6. This writ petition is disposed with the above observation. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

rrg

To

1. The Chief Engineer (Permanent)
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Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
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Chennai - 600 034.
3. The Assistant Engineer (O & M)
TANGEDCO,
Sowcarpet East,
Chennai - 600 001.
4. The Superintending Engineer/Generation Circle,
TANGEDCO,
Tirunelveli.

+lcc to Mr.P.Subramanian, Advocate, S.R.No.54924
+lcc to Mr.R.Selvakumar, Advocate, S.R.No.54896

W.P.No.22850 of 2021

SR[co]
NSK 17/11/2021