



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.3543 of 2021

and

W.M.P (MD)Nos.2865 & 2866 of 2021

WEB COPY

A.Zahir Hussain

... Petitioner

Vs.

1.The Chief Engineer, (Personnel),
TANGEDCO,
144, Anna Salai,
Chennai-600 002.

2.P.Ramasubbu

... Respondents

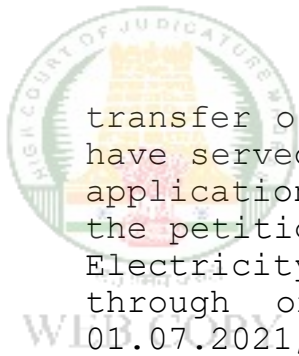
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating the proceedings of the Impugned Order in Memo No.082766/G.11/G.111/2021-5 dated 17.02.2021, on the file of the first respondent and quash the same and further directing the first respondent to transfer the petitioner in the post of Assistant Executive Engineer (Electrical) in Thirumangalam, Madurai Electricity Distribution Circle, TANGEDCO, in consideration of the petitioner's online application, dated 02.01.2021.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R1	: Mr.T.Sakthikumaran
For R2	: Mr.A.Rahul

ORDER

The petitioner has filed the present writ petition to quash the Impugned Order, dated 17.02.2021 in Memo No.082766/G.11/G.111/2021-5 passed by the first respondent and for a direction to the first respondent to transfer the petitioner in the post of Assistant Executive Engineer (Electrical) in Thirumangalam, Madurai Electricity Distribution Circle, TANGEDCO, by considering his online application, dated 02.01.2021.

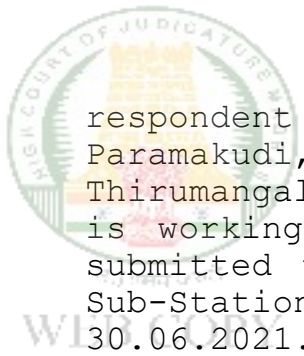
2. According to the petitioner, he is working as Assistant Executive Engineer at Paramakudi, Ramanathapuram District Electricity Distribution Circle. His wife and daughter are at Thirumangalam, Madurai District. His daughter is studying in Medical College at Madurai. The first respondent, vide proceeding (Rt.) CMD/TANGEDCO Proceedings No.5, dated 28.06.2017, introduced a system of online application, for requesting transfer to a convenient place, in order to bring transparency in the matter of



transfer of officials. For making such request, the employees must have served for more than one year in the present place. The online application for transfer is valid only for six months. According to the petitioner, he is working at Paramakudi, Ramanathapuram District Electricity Distribution Circle from the year 2017. He applied through online on 04.07.2018 till 02.01.2021 and lastly, on 01.07.2021, by renewing his request every six months, for transfer from Paramakudi, Ramanathapuram District Electrical Distribution Circle to Thirumangalam, Madurai District Electricity Distribution Circle. The first respondent did not consider the petitioner's application for transfer inspite of his request. While so, the first respondent transferred many persons without even any application. By impugned proceedings, dated 17.02.2021, the first respondent transferred the second respondent from Paramakudi, Ramanathapuram District Electrical Distribution Circle to Thirumangalam, Madurai Electrical Distribution Circle. The second respondent has not made any application through online for transfer. The impugned order is in violation of his own order of the first respondent by proceedings, dated 28.06.2017, and prayed for setting aside the impugned order of the first respondent dated 17.02.2021 and transfer the petitioner from Paramakudi, Ramanathapuram Electrical Distribution Circle to Thirumangalam, Madurai Electrical Distribution Circle.

3. Heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents and perused the materials available on record.

4. From the materials on record, it is seen that as per the scheme introduced by the first respondent with regard to transfer of his employees, the petitioner registered his name through online from 04.07.2018 till 01.07.2021 by renewing his request every six months. As per the scheme, the request for transfer through online will be valid only for six months. The petitioner is registering his name in every six months and last such request was made on 01.07.2021. The petitioner earlier filed a writ petition in W.P(MD) No.13896 of 2020 and according to the petitioner, after the learned counsel appearing for the petitioner therein took time for getting instructions, the said writ petition is not listed for hearing. The grievance of the petitioner is that the first respondent without considering the request of the petitioner for transfer from Paramakudi, Ramanathapuram Electrical Distribution Circle to Thirumangalam, Madurai Electrical Distribution Circle, transferred many persons from Paramakudi, Ramanathapuram Electrical Distribution Circle to where the petitioner is seeking transfer from 04.07.2018. The petitioner has pointed out that the second respondent was transferred to Thirumangalam, Madurai Electrical Distribution Circle without even any application received from him. It is not the case of the first respondent that from 2018, no vacancy arose in the post of Assistant Executive Engineer in Madurai Electricity Distribution Circle. It is not in dispute that the second



respondent was transferred by impugned order, dated 17.02.2021 from Paramakudi, Ramanathapuram Electrical Distribution Circle to Thirumangalam, Madurai Electricity Distribution Circle and now, he is working. The learned counsel appearing for the petitioner submitted that even now, there are five vacancies in Samayanallur Sub-Station, Madurai Electricity Distribution Circle, as on 30.06.2021.

5. Considering the fact that the family of the petitioner is at Madurai and his daughter is studying in a Medical College at Madurai and the petitioner is applying through online for transfer as per the scheme introduced by the first respondent from 04.07.2018 and renewing his request for every six months till 01.07.2021, without going into the merits of the matter, the first respondent is directed to consider the petitioner for transfer from Paramakudi, Ramanathapuram Electrical Distribution Circle to Thirumangalam, Madurai Electrical Distribution Circle or within the Madurai Electrical Distribution Circle, if there is any vacancy available in the post of Assistant Executive Engineer or consider him for transfer in the first vacancy that will arise in future.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Chief Engineer, (Personnel), TANGEDCO,
144, Anna Salai, Chennai-600 002.

+1 CC to M/s.A.RAHUL, Advocate (SR-23640[F] dated 23/07/2021)

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate(SR-23791[F]dated 23/07/2021)

+1CC to M/s.G.PRABHU RAJADURAI, Advocate(SR-23855[F]dated 26/07/2021)

W.P. (MD) No.3543 of 2021

22.07.2021