



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.11.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.[MD].No.14746 of 2021

and

W.M.P (MD) .Nos.11672, 11674 and 16665 of 2021

WEB COPY

M.Thiagarajan

S/o.V.Mani

: Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Chennai-600 002.

2.The Chief Engineer/Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Tamil Nadu Electricity Board,
Chennai-600 002.

3.The Chief Engineer/Distribution,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Madurai.

4.R.Karthikeyan : Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the third respondent in Memo.No.013582/517-2/CE/D/MDU/SADO/A.1/F.Class II/2021, dated 10.08.2021 and Memo No.013583/518/CE/D/MDU/SADO/A.1/F.Class II/2021, dated 10.08.2021 and quash the same and consequently direct the respondents 2 and 3 to consider the petitioner's request Transfer Application and accommodate the petitioner as Assistant Executive Engineer in Madurai Electricity Distribution Circle or in Madurai Metro.

For Petitioner : Mr.M.Saravanakumar

For R1 to R3 : Mr.T.Sakthi Kumaran

Standing counsel

For R4 : Mr.M.Ajmalkhan



ORDER

This Writ Petition is filed challenging the transfer order dated 10.08.2021, passed by the third respondent, whereby the petitioner was transferred from Renganathapuram/Dindigul Electricity Distribution Circle to RAPDRP/ Ramanathapuram Electricity Distribution Circle.

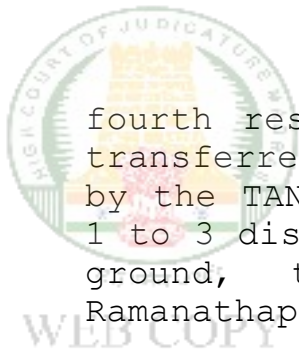
2.The learned counsel for the petitioner submitted that this petition is filed mainly on the ground that in order to accommodate the fourth respondent in the petitioner's place, the petitioner was transferred without any reason. The learned counsel for the petitioner has relied upon the guidelines issued by the Tamil Nadu Generation and Distribution Corporation Limited in (Rt) CMD/ TANGEDCO Proceedings No.5 dated 28.06.2017, wherein, it is stated in paragraph 7(a)(i) that eligibility of transfer will arise only after the completion of one year as on 20th January or 15th July as the case may be on duty in the present Station/Present Post. In this case, the fourth respondent, who has been promoted as Assistant Executive Engineer on 15.03.2021 and posted at Thervaikandigai in Chennai and within 6 months, to accommodate him, he was transferred from Chennai to Dindigul Circle.

3.The learned Standing counsel appearing for the respondents 1 to 3 submits that it is not a request for transfer and only on the administrative ground, the petitioner was transferred.

4.The learned counsel for the fourth respondent submitted that the fourth respondent worked at Nilakkottai Office for the period from 2011 to 2016. Thereafter, he was promoted as Assistant Executive Engineer with transfer to the office of Thervaikandigai in Chennai on 15.03.2021. He further submitted that the fourth respondent has made a request for transfer from Chennai to Dindigul and on his request, he was transferred from Chennai to Dindigul. He further submitted that the petitioner is working in Dindigul Office for more than three years and he was transferred to Ramanathapuram District on administrative ground. Due to the transfer of the petitioner, the post in Dindigul Office became vacant and the fourth respondent was directed to be transferred in the place of the petitioner, by proceedings of the third respondent dated 10.08.2021.

5. The grievance of the petitioner is that in order to accommodate the fourth respondent, the petitioner was transferred from Dindigul District to Ramanathapuram District.

6. As per the guidelines issued by the TANGEDCO, the fourth respondent is entitled to make a request for transfer after completion of one year. However, the request has been made by the



fourth respondent within 6 months and the fourth respondent was transferred from Chennai to Dindigul against the guidelines issued by the TANGEDCO. The learned Standing Counsel for the respondents 1 to 3 disputed the same and submitted that only on administrative ground, the petitioner was transferred from Dindigul to Ramanathapuram District.

7. This Court is fully satisfied with the case of the petitioner and the petitioner's transfer from Dindigul to Ramanathapuram by the impugned order has been made only in order to accommodate the fourth respondent herein. Hence, the impugned order passed by the third respondent is set aside and the Writ petition is allowed. No Costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar(CS)

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To

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
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2.The Chief Engineer/Personnel,
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Tamil Nadu Generation and Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Madurai.

+1 CC to M/s.M. SARAVANAKUMAR, Advocate (SR-35430[F] dated 23/11/2021)
+1 CC to M/s.T SAKTHI KUMARAN, Advocate (SR-35481[F] dated 23/11/2021)
+1 CC to M/s.M. AJMAL KHAN, Advocate (SR-35765[F] dated 24/11/2021)

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