



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.15610 of 2021

and

WMPMD) Nos.12557,12558,16667and 16361 of 2021

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A.Rajamani

... Petitioner

versus

- 1.The Chief Engineer/Personnel (A/C)
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
8th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai.
- 2.The Chief Engineer/Distribution/Madurai Region
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Madurai Regional Office
K.Pudur, Madurai-7.
- 3.The Superintending Engineer
Madurai Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
Madurai-7.
- 4.K.Asaiponnu
Assistant Accounts Officer
Thiruvannamalai Electricity Distribution Circle
Thiruvannamalai District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned Order in Memo.No.038609/835/G.30/G.302/2021-1 and the consequential impugned Order in Memo.No.038609/835/G.30/G.302/2021-2 on the file of the Respondent No.1 dt. 24.08.2021 and quash the same as illegal

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.Veera Kathiravan
	Additional Advocate General
	Assisted by Mr.T.SakthiKumaran
	Standing Counsel for R1 to R3
	Mr.K. Shaji Chellam for R4.



ORDER

This Writ Petition is filed against the order of transfer passed as against this petitioner in memo.No.038609/835/G.30/G.302/2021-1 and the consequential memo No.038609/835/G.30/G.302/2021-2 dated 24.08.2021.

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2. The learned counsel for the petitioner submits that for accommodating the fourth respondent, the petitioner herein has been transferred and posted at Dindigul. He would further submit that in similar such cases, this Court had interfered and set aside the order of transfer.

3. The learned Additional Advocate General appearing for the respondents 1 to 3 submits that this petitioner was working in the same place for nearly 20 years and only for eight months, he has served in some other place. He would further submit that the petitioner has to travel from Madurai to Dindigul which is about 60kms away from the place, where this petitioner was working for the past 20 years, hence he may not be shown any indulgence.

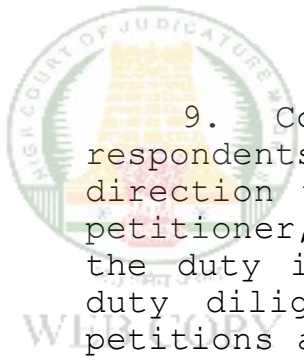
4. The learned counsel appearing for the fourth respondent would submit that the fourth respondent is a physically challenged person. She has been working in Tiruvannamalai and therefore her request for transfer was considered by an order, dated 24.08.2021 and she was transferred.

5. The learned counsel for the petitioner drew the attention of this Court to the guidelines which has been issued by the Tamil Nadu Generation and Distribution Corporation Limited on request for transfer and as per the guidelines, the request for transfer can be considered only if there is vacancy existed in that place. When there is specific guidelines the respondents are not justified in transferring this petitioner and accommodating the fourth respondent. He would further submit that there is a vacancy arising in the same division in the same cadre on 30.11.2021.

6. This Court paid its anxious consideration to the rival submissions and perused the materials placed before this Court.

7. Admittedly, this petitioner was working in the same place for more than 20 years. The fourth respondent who is a physically challenged person had made a request for transfer which has been considered and she was posted in the place of the petitioner, which is against the guidelines issued by the TANGEDCO in (Rt.) CMD/TANGEDCO Proceedings No.5 dated 28.06.2017.

8. The learned Additional Advocate General would submit that since the fourth respondent is a physically challenged person, she need not be disturbed at any point of time and if any vacancy is arising in Madurai as claimed by the petitioner on 30.11.2021, the request for transfer will be considered.



9. Considering the submission made on behalf of the respondents 1 to 3, this Court disposes of the Writ Petition with a direction that if any vacancy arises in future, as claimed by the petitioner, he may be considered, provided if he goes and joins the duty in the new place where he is posted and discharges his duty diligently. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// 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 (A/C)
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 - 3.The Superintending Engineer
Madurai Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO), Madurai-7.
- +1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-34131 dated 11/11/2021)
+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-34134 dated 11/11/2021)
+1 CC to M/s.T.SAKTHIKUMARAN, Advocate (SR-34153 dated 11/11/2021)

W.P (MD) No.15610 of 2020

and

WMP (MD) Nos.5429,5430 and 7751 of 2020

10.11.2021

RS (01.12.2021) 3P 7C

<https://hcservices.ecourts.gov.in/hcservices/>