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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.2398 of 2021
and WMP.No. 2704 of 2021

R.Singaravelu

.. Petitioner

Vs.

1.The Chief Engineer,
Personnel,
Tamil Nadu Electricity Board/TANGEDCO,
Anna Salai,
Chennai-600002.

2.The Executive Engineer,
O & M Urban/South/Erode
Erode Electricity Distribution Circle,
TANGEDCO, Erode,
Erode District

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to relieve the petitioner from the office of Executive Engineer O and M Urban / South / Erode Erode Electricity Distribution Circle so as to enable the petitioner to join duty at the transferred place in Mettur Electricity Distribution Circle as per the transfer order passed by the 1st respondent dated 04.03.2020 forthwith.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.P.Subramanian, Standing Counsel

ORDER

The relief sought for in the writ petition is to direct the 2nd respondent to relieve the petitioner from the office of Executive Engineer O and M Urban / South / Erode Erode Electricity Distribution Circle so as to enable the petitioner to join duty at the transferred place in Mettur Electricity Distribution Circle as per the transfer order passed by the 1st respondent dated 04.03.2020 forthwith.



2. The learned counsel for the petitioner has submitted that the petitioner was appointed as Assessor Grade -II by the 1st respondent on 30.10.2015 and posted at O&M, Gobichettipalayam Electricity Distribution Circle. While the petitioner was working in Erode Electricity Distribution Circle, the 1st respondent passed the transfer order dated 04.03.2020 in Memo No. 000064/19/G.261/2020-13, transferring the petitioner from Erode Electricity Distribution Circle to Mettur Electric Distribution Circle. Subsequent to the said transfer order, the Superintending Engineer, Mettur Electricity Distribution Circle, Mettur Dam-1 has issued consequential posting order, posting the petitioner at O & M, Tharamangalam and directed the petitioner to join in the office of the Assistant Engineer, Tharamangalam vide order dated 27.03.2020. But till date, the 2nd respondent-Circle did not relive the petitioner and retained him till date, without any valid reasons. Challenging the said action of the 2nd respondent, the present writ petition is filed.

3. Counter affidavit has been filed by the respondent, wherein it is stated that the other staff member namely D.Ramamoorthy Assessor, Ganapathypalayam who is under orders of transfer to Mettur EDC as per the 1st respondent order dated 31.12.2018 and senior to the petitioner has not yet been relieved so far due to large number of vacancy and to maintain revenue augment. It is also stated in the counter affidavit that due to avoid financial loss to TANGEDCO in the 2nd respondent organisation, they have not been relieved and as and when the situation improves by appointment/transfer of employees in place of employees so transferred, action will be taken to relive the petitioner as per the seniority of transfer orders issued.

4. Heard both sides and perused the materials available on record.

5. The aforesaid reason stated by the respondents in the counter affidavit that due to non relieving of senior staff member to the Mettur EDC, the petitioner who has been transferred to the same place is not relived, cannot be accepted by this Court. Hence it would be appropriate for this Court to direct the respondents to give effect to the transfer order as per the orders of the Superintending Engineer, Mettur Electricity System, dated 27.03.2020.

6. Accordingly, taking note of the fact that the transfer order is not given effect from the year 2020, this Court directs the 2nd respondent to make necessary arrangements to post some other Assessor Grade -II in the place of the petitioner and to relieve the petitioner from the present station, within a period of four weeks from the date of receipt of a copy of this order.



7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Engineer,
Personnel,
Tamil Nadu Electricity Board/TANGEDCO,
Anna Salai,
Chennai-600002.
2. The Executive Engineer,
O & M Urban/South/Erode
Erode Electricity Distribution Circle,
TANGEDCO, Erode,
Erode District

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.21449
+1cc to Mr.P.Subramanian, Advocate, S.R.No.21197

W.P.No. 2398 of 2021
and WMP.No. 2704 of 2021

GPL(CO)
CT 04/05/2022