



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

Coram

The Honourable Mr. Justice D.Bharatha Chakravarthy

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W.P.No.28803 of 2010

and

M.P.Nos.1 and 2 of 2010

S. Pathima

...Petitioner

Vs.

1.The Chairman, Tamil Nadu
Electricity Board, 144, Anna Salai,
Chennai - 2.

2.The Chief Engineer (Personnel)
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai - 2.

3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Erode Generation Circle,
Urachikottai, Bhavani Taluk,
Erode District.

4.The Superintending Engineer,
Erode Distribution Circle,
Tamil Nadu Electricity Board,
Erode- 9.

5.R.Tamilselvan,
Assistant, Tamil Nadu Electricity Board,
EGC, Barrage -1, Chekkanur (Post)

6.Shri. P.Devaraj, Assistant,
Assistant, Tamil Nadu Electricity Board,
EGC, Urachikottai, Bhavani Taluk,
Erode District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for records of the second respondent, in Lr.No.123293/1710/G.28/G.281/2009-2, dated 20.03.2010 and consequential order of the fourth respondent, dated 29.04.2010, in Memo Order No.009028/367/Adm/A1/Ka.Ka.V/2010 and further, to



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direct the respondents 1 to 4 to post petitioner as Account Assistant at EGC, Urachikottai, w.e.f. 20.03.2010, with all consequential benefits, including further promotion.

For Petitioner : Mr.K.S.Vathiyathan

For Respondents 1 -4: Mr.P.Subramaniam (TNEB)

Respondents 5 & 6 : No appearance

O R D E R

This Writ Petition is filed by the petitioner challenging the order, dated 20.03.2010 passed by the second respondent and the consequential order of the fourth respondent, dated 29.04.2010 and to direct the respondents 1 to 4 to post the petitioner as Account Assistant at EGC, Urachikottai, w.e.f. 20.03.2010, with all consequential benefits, including further promotion.

2. The petitioner filed the Writ Petition on the ground that she was working at Erode, where, his spouse, viz., L.Raman, is also working. Thereafter, by virtue of the impugned order, dated 20.03.2010, she was selected for promotion to the post of Assistant (Accounts) and was initially accommodated at Chennai. Aggrieved over the same, she made a representation to the second respondent, to accommodate her in a vacant post at Erode itself, so that, she can remain along with family. However, respondent-Electricity Board, while considering the said request, instead of posting her at Erode, passed the impugned order, dated 29.04.2010, whereby, she is transferred to Erode Division, however, posted at Kankeyam, which order, according to the petitioner, is arbitrary, as it is causing grave hardship for her, as Kangeyam is 60 kilometers away from Urachikottai, where, the petitioner is residing. The subsequent order, dated 29.04.2010 is challenged as ultra vires, as it violates the policy of the Government, as the Government has taken a policy decision to post a spouse in the same circle, where, the other spouse is working, so as not to disturb the family cohesion.

3. Upon the Writ Petition being filed, order of status quo was granted and the petitioner continued to work in the same lower post, in the same Station, pending the Writ Petition.

4. The learned counsel for respondents 1 to 4 would submit that though by virtue of the impugned order, dated 20.03.2010, petitioner was selected for promotion to the post of Assistant (Accounts) and was allotted to Chennai, subsequently, by means



of consequential impugned order, dated 29.04.2010, the petitioner was granted promotion to the next higher post in the Erode itself and she has joined the said promotional post subsequently and is working in the said post

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5. Now, the learned counsel for the petitioner would submit that, only in violation of the policy decision taken by the Government, impugned order has been passed, as a consequence thereof, she has now lost period of service and therefore, atleast her seniority should be revived with reference to the date of the impugned order in the Writ Petition

6.I am unable to accept the prayer sought for by the learned counsel for the petitioner. It is the petitioner's own making not to accept the promotion order dated 20.03.2010 and she has challenged the same, and order of status quo was passed and on her own action, she continued in the lower post, because, it suited her, taking her personal interest of being with her family, which was more important for her than the promotional avenue. However, subsequently, she has been transferred to a place, where, her husband is working, and hence, she has accepted and joined. Therefore, in the circumstances of the case, I am not inclined to accept the prayer of the petitioner.

7.In view of the subsequent transfer and posting, challenge to the earlier order of promotion, dated 20.03.2010 is no more maintainable. In any event, on merit also it is the policy of the Government to post the spouse in the same station where the other spouse is working, as far as possible, but, that per se, does not give any corresponding right to the petitioner, inasmuch as, order of transfer is made on administrative exigencies, it cannot be challenged and can form a ground for her to consider the request of the petitioner. Only considering the request of the petitioner, respondent-TNEB has shifted petitioner from Chennai to Kankeyam, which action, the petitioner found fault and filed Writ Petition, challenging the same. Therefore, based on merit and also taking into account subsequent developments, this Court finds no ground to interfere or grant any relief to the petitioner.



8. Accordingly, the Writ Petition is dismissed. No costs. The order of status granted is vacated. Consequently, connected Miscellaneous Petitions are closed.

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-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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Erode- 9.

+1 cc to Mr.K.Chandrasekaran Advocate sr26246

+1 cc to Mr.P.Subramanian, Advocate sr 26049

W.P.No.28803 of 2010

akII(co)

aa08/06/2022