



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.02.2022
CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 31337 of 2017
and
W.M.P. No. 34420 of 2017

P.Ravanan

... Petitioner

-vs-

1. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Ltd.
Administrative Branch
144, Anna Salai
Chennai - 2.
2. The Chief Engineer
Tamil Nadu Generation and Distribution Corporation Ltd.
Trichy.
3. The Superintending Engineer
Thanjavur EDC
Thanjavur.
4. The Executive Engineer O & M
TANGEDCO Ltd.
Thanjavur.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the First Respondent in his proceedings in Memo No. 0992361/1453/G31/G312/2017 dated 23.11.2017 and quash the same.

For Petitioner : Mr. P.Ganesan

For Respondents: Mr. P.Subramanian
Standing Counsel

O R D E R

Heard Mr. P.Ganesan, Learned Counsel for the Petitioner and Mr. P.Subramanian, Learned Standing Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.



WEB COPY

2. The Petitioner, while working as Assistant Administrative Officer in the TANGEDCO, was transferred from Thanjavur to Tiruvannamalai by order in Memo No. 0992361/1453/G312/2017 dated 23.11.2017 passed by the First Respondent, which is challenged in this Writ Petition.

3. This Court at the time of admission on 05.12.2017, this Court had passed the following self-explanatory order:-

"2. Mr. C.Selvaraj, Learned Senior Counsel appearing for the Petitioner, submitted that the Petitioner's aged father is taking treatment for cancer at Thanjavur. Since he is the only caretaker, there is none to help his father. When the Petitioner is taking care for his father for the said disease, the impugned transfer order has been passed to accommodate some other person. Secondly, the Petitioner was promoted as Assistant Administrative Officer on 31.12.2016 and posted in the Fourth Respondent office and within one year, he has been shifted by the impugned transfer order. Since the transfer is taken place within one year of his earlier transfer and in the midst of taking treatment for his aged father, who is taking treatment at Thanjavur, transferring the petitioner to far away place would cost his father's life.

Hence, there shall be an order of interim stay of the impugned transfer order until further orders."

It is evident that in view of that interim order, the Respondents could not give effect to the impugned order in this Writ Petition.

4. The legal position is well established as held by the Hon'ble Supreme Court of India in Union of India -vs- S.L.Abbas [(1993) 4 SCC 357] that an order of transfer is an incident of service and unless it is vitiated by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it.

5. Having due regard to the fact that a period of more than four years have lapsed from the time of passing of the impugned order, it is improbable that the same circumstances that then existed still continues. In that backdrop, there does not appear to be any useful purpose served by venturing into the task of testing the validity of the impugned order viz-a-viz the aforesaid legal position at this distance of time. Viewed from that perspective, it is made clear that the concerned authorities are not precluded from taking any fresh decision as the exigencies may require regarding the place of posting of the Petitioner in accordance with law and till then, the status quo as prevailing today shall be in force.



In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

WEB COPY

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

Maya
To

1. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Ltd.
Administrative Branch
144, Anna Salai
Chennai - 2.
2. The Chief Engineer
Tamil Nadu Generation and Distribution Corporation Ltd.
Trichy.
3. The Superintending Engineer
Thanjavur EDC
Thanjavur.
4. The Executive Engineer O & M
TANGEDCO Ltd.
Thanjavur.

+1 cc to Mr. C.S.Associates, Advocate Sr.NO. 11709

+1 cc to Mr.P.Subramanian, Advocate Sr.NO. 12175

W.P. No. 31337 of 2017

RGN(CO)

A.SK(30/05/2022)