



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No. 381 of 2022
and C.M.P. (MD) No. 3885 of 2022

S.P.Karthi

.. Appellant/Petitioner

Vs

1.The Chief Engineer / Personnel (A/C),
Tamil Nadu Generation & Distribution Corporation Limited,
(TANGEDCO),
8th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai - 2.

2.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamil Nadu Generation & Distribution Corporation Limited,
(TANGEDCO),
Dindigul District.

3.Mrs.A.Gomathi,
Adm. Supervisor,
Palladam Electricity Distribution Circle,
Tirupur District. .. Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.03.2022 made in W.P.(MD) No. 11066 of 2021.

Prayer in WP(MD). 11066 OF 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari to call for the records pertaining to the Impugned order in Memo No.016121/124/G.33/G.332/2021-1 dated 24-06-2021 on the file of the Respondent No.1 and quash the same as illegal and pass any further or other orders as this Honourable Court may deem fit under the circumstances of the case and thus render justice.

For Appellant : Mr.T.Aswin Rajasimman
for M/s.T.Lajapathi Roy

For Respondents : Mr.S.Arivalagan
for R1 & R2
No appearance for R3



JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

Challenge in this writ appeal is made to the order dated 24 March 2022 recorded on W.P(MD) No.11066 of 2021. This appeal is by the writ petitioner.

2. The petitioner had challenged the transfer order which was initially stated to have been stayed but subsequently the writ petition is dismissed.

3. Learned advocate for the writ petitioner/appellant has made serious grievance that, the petitioner was not permitted to join at the place where from he was transferred in spite of the interim protection granted by this Court and that has escaped notice of learned Single Judge while recording the final order. It is submitted that, this appeal be entertained.

4. Having heard learned advocates for the respective parties and having considered the material on record this Court finds that, the petitioner had stayed at the place where from he was transferred for a period exceeding three years. The said transfer under no circumstances could be termed to be against the policy of the employer and the dismissal of the petition, according to us, can not be said to be erroneous in any manner which may called for any interference in this intra-court appeal. This appeal therefore needs to be dismissed.

5. So far the grievance with regard to the interregnum period is concerned, we do not find anything which can be said to be against the petitioner. However, if any grievance is there with regard to the benefit of service from the date of transfer to the actual date of his reporting duty at the new place, that may be treated to be a separate cause of action and as and when the occasion arises, the same may be agitated and gone into by the appropriate forum.

6. This writ appeal is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition would not survive.

Sd/-

Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)

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To

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Tamil Nadu Generation & Distribution Corporation Limited,
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8th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 2.

2.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamil Nadu Generation & Distribution Corporation Limited,
(TANGEDCO),
Dindigul District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-22125[F]
dated 28/04/2022)

W.A(MD)No.381 of 2022
27.04.2022

NA(CO)
GC(11.05.2022) 3P 4C