



W.A(MD) No.398 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD) No.398 of 2022
and C.M.P(MD) No.4019 of 2022**

O.K.Prakash Bapu

... Appellant

-VS-

- 1.Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO),
Represented by the Chairman cum Managing Director,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai – 2.
- 2.Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO),
Represented by its Secretary,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai – 2.
- 3.The Chief Engineer / Distribution /
Madurai Region,
Tamil Nadu Generation & Distribution Corporation Limited (TANGEDCO),
Madurai Regional Office,
K.Pudur,
Madurai – 7.



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4.The Superintending Engineer,
Madurai Electricity Distribution
Circle / Metro,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
Madurai District.

5.The Superintending Engineer,
Non-Conventional Energy Sources,
Tamil Nadu Generation & Distribution
Corporation Limited (TANGEDCO),
Tirunelveli, Tirunelveli District.

6.Mr.R.Palani

... Respondents

PRAYER: Writ Appeal filed under Section 15 of Letters Patent against
the order dated 18.04.2022 made in W.P.(MD)No.1762 of 2022.

For Appellant : Mr.T.Lajapathi Roy

For Respondents : Ms.M.Parameshwari,
Standing Counsel for R1 to R5
Mr.M.Ajmalkhan, Senior Counsel
for M/s.Ajmal Associates

JUDGMENT

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

Challenging the order passed by this Court, dated 18.04.2022,
made in W.P.(MD)No.1762 of 2022, the appellant has come forward with
this writ appeal.



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2. The appellant / writ petitioner has filed a writ petition, challenging the transfer order dated 21.01.2022, issued by the second respondent, alleging that only for the purpose of accommodating the sixth respondent, the transfer order was passed. After hearing the parties, the Writ Court, by order dated 18.04.2022, dismissed the writ petition, by rejecting the contention of the appellant / writ petitioner. As against the said order, the appellant / writ petitioner has filed this Writ Appeal.

3. The learned counsel appearing for the appellant submitted that on the basis of the request of the sixth respondent, the transfer order has been passed and normally, the request for transfer can be made only in available vacancies. The learned Single Judge, has failed to consider the said fact and on that ground, the order of the learned single Judge is liable to be interfered with.

4. The learned counsel appearing for the sixth respondent submitted that the sixth respondent – Palani is due to retire from service in the month of May, 2023 and after the retirement of the sixth respondent, the appellant may approach the authority and seek for



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transfer to Madurai, for which, the learned counsel for the appellant is agreed.

5. We are of the view that normally, this Court cannot interfere with the order of transfer passed by the respondents on the administrative grounds. However, this will not stand in the way of the appellant to approach the authorities and seek for transfer from Palani to Madurai, after the retirement of the sixth respondent.

6. With the above liberty, this Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]

06.12.2022

Index : Yes / No

Internet : Yes / No

vsm



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