



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.06.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No. 10207 of 2022

and W.M.P. (MD) Nos. 7243 & 7245 of 2022

WEB COPY

A.Velusamy

... Petitioner

/vs./

The Chief Interval Audit Officer (A/C),
Tamil Nadu Generation and Distribution
Corporation Limited,
Audit Branch, Ndkrr Maaligai (1st Floor),
144, Anna Salai,
Chennai - 2.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the respondents in the office Order No.411/f.1/f.12/2022, dated 13.05.2022 and quash the same.

For Petitioner	:	Mr.D.Selvanayagam
For Respondent	:	Mr.S.Arivalagan, Standing Counsel

ORDER

Through the impugned order dated 13.05.2022, the petitioner herein was transferred from Trichy Region to Villupuram Region. Bare reading of the impugned order reveals that the transfer was purely on administrative grounds.

2. The learned counsel appearing for the petitioner submits that the order of transfer was made based on *malafide* and has been passed as a punitive measure. A mere version in the affidavit or reference to the pending disciplinary proceedings cannot be the basis for the Court to draw an inference for the grounds of *malafide* or punitive action. It is no doubt true that the Hon'ble Supreme Court in various decisions including the decision in **Somesh Tiwari Vs. Union of India** reported in **(2009) 2 SCC 592** had held that the transfer on the ground of *malafide* or as a punitive measure is impermissible. But in order to establish such *malafide* or punitive action, the same requires to be substantiated through the reasons adduced in the transfer order. In the instant case, the impugned order of transfer does not spell out such allegations. As such, this Court is of the view that the transfer order which is purely on administrative action does not require interference. Hence, I do not find any merit in this writ petition. Accordingly, this writ



petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

3. At this juncture, the learned counsel for the petitioner submitted that he may be permitted to make a request for the transfer to some other Region. In consideration of such submission made, the petitioner is granted at liberty to give a fresh representation seeking for such transfer and on receipt of the same, the respondent herein shall consider the same on its own merits and pass appropriate orders as expeditiously as possible.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsm

To

The Chief Interval Audit Officer (A/C),
Tamil Nadu Generation and Distribution
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+1 CC to M/s.D. SELVANAYAGAM, Advocate (SR-26582[F] dated
17/06/2022)

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CK(CO)

KB(30.06.2022) 2P 3C