



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2022

CORAM:

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

W.P. (MD)No.11066 of 2021

and

W.M.P (MD)Nos.8686 and 8687, 11077 of 2021

and

Cont.P (MD)No.1093 of 2021

W.P (MD)No.11066 of 2021

S.P.Karthi

... 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. A.Gomathi,
Adm.Supervisor,
Palladam Electricity Distribution Circle,
Tirupur District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, 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.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.T.Sakthi Kumaran
	TANGEDCO for R1 & R2
For R3	: Mr.S.Louis

Cont. P. (MD) No.1093 of 2021

S.P.Karthi

... Petitioner/Petitioner/Petitioner



Vs.

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

...Contemnor/Respondent No.1/
Respondent No.1

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to initiate contempt proceedings against the Contemnor/Respondent and punish him for the wilful disobedience of the order of this Court in W.P(MD)No.11066 of 2021 and W.M.P(MD) No.8687 of 2021, dated 06.07.2021.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondent	: Mr.S.Arivalagan

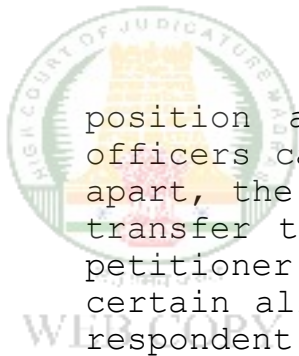
ORDER

The transfer order dated 24.06.2021 transferring the writ petitioner from Dindigul Electricity Distribution Circle to Palladam Electricity Distribution Circle, on administrative grounds in the place of the third respondent, is under challenge in the present writ petition.

2.The learned counsel appearing for the petitioner mainly contended that in order to accommodate the third respondent in the place of the writ petitioner, the impugned transfer order has been passed. The learned counsel for the petitioner further stated that the third respondent pleased the Officials and some political persons and therefore, she could be able to achieve her goal by getting an order of transfer in her favour by disturbing the petitioner.

3.However, such allegations cannot be entertained by the High Court, more specifically, in the matter of administrative transfers. In respect of the third respondent, on the very same day, her request transfer application was considered and she was posted in the place of the petitioner. Mere an independent request transfer application cannot be construed as malafide and therefore, this Court is of the opinion that the scope of interference in such kind of transfer orders are limited, as far as the exercise of power of judicial review sitting under Article 226 of the Constitution of India is concerned.

4.The learned counsel for the respondents brought to the notice of this Court that the petitioner has already completed more than 3 ½ years of service at Dindigul and he is working in a responsible



position as Administrative Supervisor and therefore, such level officers cannot be kept in the same station for a long period. This apart, the Executive Engineer made a recommendation on 04.12.2020 to transfer the writ petitioner on certain allegations. When the writ petitioner was transferred on administrative grounds on account of certain allegations, the request transfer application of the third respondent was also considered. Therefore, it is a routine administrative transfer and the petitioner cannot have any grievance in respect of such transfers. Transfer is an incidental service, moreso, a condition of service.

5.Though an interim order of stay was granted by this Court, the learned counsel for the petitioner states that the order was not implemented on its letter and spirit. If at all any dispute regarding the relieving order, the petitioner has to join in any one of the place, at least in the transferred place, till the issues are decided in the writ petition. Contrarily, no public servant is expected to stay away from duty. Merely by citing the pendency of the writ petition, the petitioner can join in the transferred place without prejudice to the contention raised in the writ petition. This is an expected conduct from the public servant. Contrarily, no servant can stay away from duty.

6.However, it is for the authorities to consider these aspects and take a decision. As far as the impugned transfer order is concerned, it is a transfer on administrative grounds and more over, the petitioner has already served more than 3 ½ years in the place at Dindigul and thus, the petitioner is not entitled for any relief. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

7.In view of the order passed in the writ petition in W.P(MD) No.11066 of 2021, no contempt is made out and hence, this Contempt petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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TO

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



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-14403[F] dated
25/03/2022)

W.P. (MD) No.11066 of 2021
and
Cont.P (MD) No.1093 of 2021
24.03.2022

SG (CO)
KB (06.04.2022) 4P 4C