



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14734 of 2021

and

W.M.P(MD) Nos.11665 and 11666 of 2021

D.Padmanathan

... Petitioner

-vs-

1.The Chief Engineer,
Tamil Nadu Generation & Distribution Corporation Limited,
O/o. the Chief Engineer,
Tirunelveli,
Tirunelveli District.

2.The Superintending Engineer,
Tamil Nadu Generation & Distribution Corporation Limited,
Tuticorin Electricity Distribution Circle,
Tuticorin District.

3.The Executive Engineer,
Rural Distribution,
Tuticorin.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of transfer in Ku.No.165/May.Po/Thumipava/Ni A/Ni Pi.3/U1/Ko.Tapani/2021 dated 19.06.2021 on the file of the second respondent and consequential impugned order in Ku.Aa.No.58U.Ni.A.Ni.Pi.U1.Ko.Tha.Pa.Ni.Vi.2021 dated 23.06.2021 on the file of the respondent No.3 and quash the same as illegal in so far as the transfer is concerned and consequently directing the respondents No.1 and 2 to permit the petitioner to continue as Grade I Foreman at Tuticorin Urban Division, Tuticorin Electricity Distribution Circle Tuticorin District within the time stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy

For Respondents : Mr.S.Arivalagan

O R D E R

The impugned order dated 19.06.2021 reveals that on initiation of departmental disciplinary proceedings, the petitioner was placed under suspension. On revocation of suspension, the petitioner was posted at Eral, Tuticorin District. At the time of suspension, the petitioner was working in Tuticorin. Thus, on revocation of suspension, the petitioner was posted within the same District. Under these circumstance, the petitioner has not established any acceptable grounds.

2.The transfer is an incidental to service more so the petitioner was placed under suspension and on revocation of suspension, he is posted in a nearby place. The suspended employee on revocation of suspension, need not be posted in the same place as it will cause prejudice to the enquiry proceedings. Thus, this Court do not find any infirmity in respect of the order of transfer transferring the writ petitioner in a nearby place during the pendency of the disciplinary proceedings. Accordingly, this writ petition is devoid of merits and the same is liable to be dismissed.

3.With the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-13717[F] dated 23/03/2022)

W.P.(MD) No.14734 of 2021

and

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MGJ(30.03.2022) 2P 2C