



W.P.(MD) No.19162 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.19162 of 2021

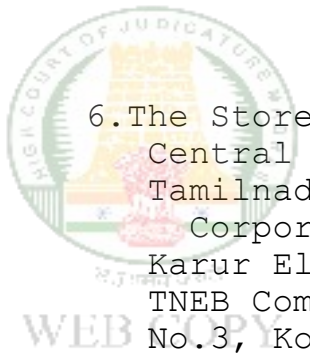
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R.Ashok

... Petitioner

vs.

- 1.The Chief Engineer / Personnel
Tamilnadu Generation and
Distribution Corporation
(TANGEDCO)
8th floor, Eastern Wing
N.P.K.R.R.Maaligai
No.144, Anna Salai
Chennai-600 002
- 2.The Superintending Engineer
Tamilnadu Generation and
Distribution Corporation
(TANGEDCO)
Ooratchikottai, Bhavani
Erode District-638 302
- 3.The Superintending Engineer
Tamilnadu Generation and
Distribution Corporation
(TANGEDCO) (O&M)
Karur Electricity Distribution Circle
TNEB Complex
No.3, Kovai Road, Karur-639 002
- 4.The Executive Engineer
Tamilnadu Generation and
Distribution Corporation
(TANGEDCO)
Bhavani Kattalai Barage-II
Vendipalayam, Erode District
- 5.The Junior Electrical Engineer (Mechanical)
Tamilnadu Generation and District
Corporation (TANGEDCO)
Bhavani Kattalai Barage-III
Shozhasiramani-637 210
Namakkal, District



6.The Store Officer
Central Store Officer
Tamilnadu Generation and Distribution
Corporation (TANGEDCO) (O&M)
Karur Electricity Distribution Circle
TNEB Complex
No.3, Kovai Road, Karur-639 002

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned proceedings passed by the 1st respondent in Memo No.077236/990/G.42/G.421/2019-2, dated 16.12.2020 and quash the same and consequently directing the respondents 2, 4 and 5 to relieve the petitioner from Erode Circle enabling the petitioner to join Karur Electricity circle in the office of the 6th respondent in accordance with the proceedings of the 1st respondent in Memo No.077296/990/G.42/G.421/2019, dated 17.10.2019.

For Petitioner : Mr.Senthil.M.P.

For Respondents : Mr.S.Arivalagan
Standing Counsel

O R D E R

The order dated 16.12.2020, passed by the first respondent, is sought to be quashed in this writ petition.

2. The petitioner is working as Field Assistant in the fifth respondent Office, which comes under Erode Circle. He is a permanent resident of Karur District. The petitioner states that he met with an accident in the year 2015 and got injuries in his right leg. His disability was fixed as 40%. The petitioner submitted an application for request transfer. The said application was considered by the first respondent and an order was passed on 17.10.2019 transferring the petitioner from Erode Circle to Karur Circle. However, the petitioner was not relieved from Erode Circle and therefore, he filed a writ petition in W.P.(MD) No.17748 of 2020 with a prayer to direct the respondents to relieve him from Erode Circle. This Court passed an interim order on 09.12.2020 as follows:

"3.Prima facie, this Court is of the view that after a careful consideration, though the 1st respondent, by proceedings dated 17.10.2019, transferred the petitioner from the present station and to join duty in the 6th respondent office, the 2nd respondent has refused to relieve the petitioner from the present station, which is



not proper and clearly amounts to disobeying the order of the 1st respondent by the 2nd respondent. This Court expects the due compliance of the order passed by the 1st respondent by the 2nd respondent at least on before the next hearing date.

4. In such view of the above, this Court adjourns the matter on 18.12.2020 for passing further orders."

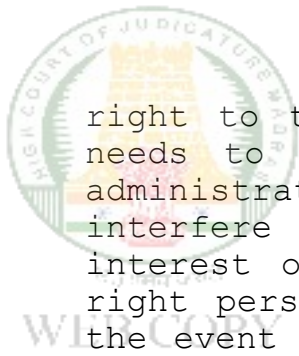
3. The above observation of this Court is relied on by the learned counsel for the petitioner stating that when this Court made an observation, the same is to be complied with. However, the Authorities subsequently found that due to the dearth of Field Assistant post in Erode Circle, the petitioner's case for transfer cannot be considered and accordingly, cancelled the order dated 17.10.2019 on administrative grounds.

4. The learned counsel for the petitioner reiterated that this Court earlier considered the case of the petitioner and made an observation that the second respondent is expected to comply with the order passed by the first respondent by transferring the petitioner to Erode Circle. Therefore, the impugned order is to be set aside.

5. This Court is of the considered opinion that when a matter is taken up for final hearing, the rights of the parties are to be ascertained. Mere observations may not have any implication to the order cancelling the transfer on administrative grounds.

6. Transfer is an incidental to service, more so a condition of service. Post or place can never be claimed as a matter of right by the public servants. No doubt, the request transfer application of the petitioner was considered at the first instance and subsequently, the Authorities found that due to dearth of candidates, the transfer cannot be implemented. This exactly is the reason why the petitioner was not relieved from Erode Circle. The petitioner was not relieved from Erode Circle on the ground that there were no sufficient employees in the category of Field Assistant to look after the duties. Thus, subsequently, by order dated 16.12.2020, the first respondent accepting the administrative reasons cancelled the transfer order. The transfer order was issued by the first respondent on 17.10.2019, but the petitioner was not relieved from Erode Circle. The reason for not relieving the petitioner from Erode Circle is that want of sufficient staff in the category of Field Assistant and therefore, he was not relieved and on administrative grounds, the transfer order was cancelled.

7. When post or transfer itself is not a right, the transfer as well as its cancellation would not confer any further



right to the petitioner. This apart, the case of the petitioner needs to be considered only if it is feasible and whenever an administrative decision is taken in this regard. Court cannot interfere with such orders of transfer, which all are in the interest of public administration. Competent Authorities are the right person to decide how transfers and postings are issued. In the event of interfering in such routine administrative affairs of the Departments, there will be lot of inconvenience to the public administration.

8. In view of the above facts and circumstances, neither the transfer order nor the cancellation order would not provide any service right to the petitioner as none of his service conditions is violated. Therefore, the petitioner is at liberty to submit a fresh application for request transfer and in the event of any feasibility, the Authorities may consider the request of the petitioner by taking note of his personal grievance, if any.

9. With the above observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD I)

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/ /2022

Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.M.P. SENTHIL, Advocate (SR-18893[F] dated 18/04/2022)

W.P. (MD) No.19162 of 2021
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MGJ(22.04.2022) 5P 8C