



W.P.(MD).No.18374 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18374 of 2023

and

W.M.P(MD)No.15247 of 2023

D.Nalladurai Charles

... Petitioner

Vs.

1.The Chief Engineer / Personnel (FAC),
TANGEDCO,
Administrative Branch,
N.P.K.R.R. Maaligai,
144, Anna Salai,
Chennai-600 002.

2.The Chief Engineer (Distribution),
TANGEDCO,
Tirunelveli Region,
Tirunelveli District.

3.The Superintending Engineer,
Tirunelveli Electricity Distributing Circle,
TANGEDCO,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to accommodate the petitioner in Palayamkottai Electricity Distribution Circle and by considering the petitioner's representation, dated 21.07.2023.



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For Petitioner : Mr.H.Mohammed Imran

For Respondents : Mr.S.Arivalagan
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the first respondent to accommodate the petitioner in Palayamkottai Electricity Distribution Circle and by considering the petitioner's representation, dated 21.07.2023.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was initially appointed as Technical Assistant on 05.07.1990 in Kothaiyar Upper Dam, Tirunelveli Generation Circle. Subsequently, he was promoted as Junior Engineer-II Grade in the month of August 2000 and posted at Valinokkam, Ramanathapuram Distribution Circle. He was further promoted as Assistant Engineer in 2012 and Assistant Executive Engineer on 29.02.2018 and was posted at Odangudi Thermal Power Station.



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Subsequently, he was transferred to Tirunelveli Urban Power Station on 30.06.2021. The first respondent on 29.08.2022 at the first instance, transferred one G.Rajagopal serving at Kayathar Distribution Circle to the place of one V.Thangamurugan serving at Tirunelveli Town and the said V.Thangamurugan was posted in the place of said G.Rajagopal. Under such circumstances, without cancelling the transfer order, dated 29.08.2022, the first respondent vide his proceedings, dated 29.08.2022, transferred the petitioner to Kayathar Tirunelveli Distribution Circle in the place of the said Rajagopal. In the place of the petitioner, V.Thangamurugan was transferred in the meanwhile. It is only for the purpose of accommodating the said Thangamurugan in the place of petitioner, the petitioner was transferred. Hence, the petitioner filed a writ petition in W.P(MD)No.21338 of 2022 and considering the circumstances of the case, this Court was inclined to pass an order of interim stay on 06.09.2022. However, the respondents did not comply with the interim order and posted the fourth respondent (V.Thangamurugan) in the petitioner's place. Hence, the petitioner issued a contempt notice to the official respondents on 30.06.2023.

4. In the meanwhile, the petitioner is informed that the said Thangamurugan was transferred and some other person has been posted in his



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place, violating the interim order passed by this Court on 06.09.2022. The Assistant Executive Engineer, who is working at Palayamkottai Electricity Distribution Circle is about to retire on 31.07.2023. As a result of which, that place will become vacant. Hence, the petitioner made a representation on 21.07.2023, seeking to accommodate him in the Palayamkottai Electricity Distribution Circle.

5. Considering the fact that the official respondents did not comply with the order passed by this Court on 06.09.2022 and failed to accommodate the petitioner, it is necessary that the petitioner should be accommodated at least in Palayamkottai Electricity Distribution Circle. Hence, this Court is inclined to direct the first respondent to accommodate the petitioner in Palayamkottai Electricity Distribution Circle, considering the petitioner's representation, dated 21.07.2023 and till such exercise is done, let the respondents not accommodate any other person in the said place and the said exercise shall be completed within a period of two (2) weeks from the date of receipt of a copy of this order.



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6. With the above said observation, this writ petition stands disposed of.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

28.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

Note: Issue order copy on 28.07.2023.

To

- 1.The Chief Engineer / Personnel (FAC),
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L.VICTORIA GOWRI, J.

BTR

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