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W.P.No.9362 of 2022 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.9362, 9367, 9371, 9376, 9379, 9382 of 2022

and

W.M.P.Nos.9104, 9105, 9106, 9107, 9108, 9110, 9111, 9112, 9120,
9121, 9126, 9127, 32977, 32981, 32982, 32983, 32985 & 32987 of 2022

W.P.No.7266 of 2023:-

M.Kumar

...Petitioner

-Vs-

1. The Chief Engineer (Distribution)
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Erode Distribution,
Erode – 638 009.

2. Executive Engineer (O&M),
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Namakkal District Generation and
Distribution Circle,
Paramathi Vellore – 630 182

3. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Namakkal District Generation and
Distribution Circle,
Namakkal.

... Respondents



W.P.No.9362 of 2022 etc.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, after calling for the records of the first respondent, Chief Engineer (Distribution) in Ku.A.No.63/NB2/Uthavi.2/2022, dated 23.03.2022 transferring the petitioner from Paramathi Velore Namakkal Electricity Distribution Circle to Periyakodivery Sub Station and quash the same and consequently direct the first respondent to retain the petitioner in the Paramathi Vellore, Namakkal Electricity Distribution Circle.

In all W.Ps.

For Petitioner : Mr.V.Stalin

For Respondents : Mr.K.Purushothaman
Standing Counsel

COMMON ORDER

These writ petitions have been filed challenging the order dated 23.03.2022, passed by the first respondent thereby transferring the petitioners from Paramathi Velore Namakkal Electricity Distribution Circle to various places and consequently direct the first respondent to retain the petitioners.

2. Heard the learned counsel appearing on either side and perused the material placed before this Court.



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3. It is seen that the first respondent issued the punishment transfer order on the basis of an undisclosed report submitted by the Inspector, Vigilance Cell. In view of the interim order passed by this Court, all the petitioners are working in the same place and not yet relieved.

4. The learned Standing Counsel appearing for the respondents submitted that in pursuant to the said report, disciplinary proceedings initiated as against the petitioners and passed final orders thereby imposed punishment. In fact, as against the punishment order, they preferred appeal and it is pending.

5. Now two years have been lapsed and the petitioners are still working in the same place. After the period of two years, the impugned order cannot be implemented and it is liable to be quashed. Further the petitioner's transfer is nothing but penitentiary in nature and it cannot be sustained and liable to be dismissed.



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6. Accordingly, the impugned order passed by the first respondent in Ku.A.No.63/NB2/Uthavi.2/2022, dated 23.03.2022, is hereby quashed and all the Writ Petitions stand allowed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

24.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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