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W.P.No.8630 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8630 of 2024
and W.M.P.No.9609 of 2024

N.PRAKASH

.. **Petitioner**

Vs.

1. THE CHAIRMAN,
TAMILNADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED
10TH FLOOR, NPKRR MALIGAI,
144, ANNA SALAI, CHENNAI-600 002.

2. THE CHIEF ENGINEER (PERSONAL)
TAMILNADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED
8TH FLOOR, NPKRR MALIGAI
144, ANNA SALAI, CHENNAI-600 002.

3. THE CHIEF ENGINEER (DISTRIBUTION)
KANCHIPURAM REGION
OLIMUHAMED PETTAI, KANCHIPURAM.

4. THE SUPERINTENDENT ENGINEER,
TAMILNADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED
CHENGALPATTU ELECTRICITY DISTRIBUTION CIRCLE
CHENGALPATTU-603 001.

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5. THE SUPERINTENDING ENGINEER/ P AND A
TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED
NORTH CHENNAI THERMAL POWER STATION-I
CHENNAI-600 120.

.. **Respondents**

Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, call for the records of the impugned order in Memo. No.003325/ G.11/ G.111/ 2024-1 dated 16.02.2024 issued by the 2nd respondent and consequential reposting order in Memo. No.970/ Adm.I/ A2/ F.Reposting/ 2024 dated 22.02.2024 quash the same and consequently to direct the respondents to post the petitioner as Assistant Engineer in the office of 4th respondent.

For the Petitioner : Mr.R.Marudhachalamurthy
for Mr. K.S.K.Nepolian Socraties

For the Respondents : Mr.David Sunder Singh

ORDER

This Writ Petition challenges the impugned order dated 16.02.2021 and the consequential re-posting order dated 20.02.2024 in and by which the petitioner who was hitherto functioning as Assistant Engineer in Chengelpet Electricity Distribution Circle is now transferred to the North Chennai Thermal



2.The learned counsel for the petitioner pointing out to the various medical records of the petitioner would submit that the petitioner is not well. He would submit that the petitioner is suffering from multiple co-morbidities including systematic hypertension, diabetes mellitus, chronic kidney disease, left ventricular dysfunction affecting multiple organs (Lungs, Heart, Kidney).

3.The learned counsel submits that it is not that the petitioner is making incorrect representation and the various medical records of the petitioner which are earlier in point of time than the transfer order can be looked into. The learned counsel further submits that the petitioner himself being unwell, is taking care of his family including elderly parents and children. He will be put to grave hardship that too during the middle of the academic year. The respondents did not give sufficient breathing time of 3 or 4 months for the petitioner to come and join in the transferred post. He would submit that this is a fit case where this Court should interfere with the order of transfer.



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4.I have considered the submissions made by the learned counsel for the petitioner and perused the records.

5.The impugned order is an order of administrative transfer. No other legal grounds of competency or malafide are raised. Therefore, this Court is unable to grant any relief to the petitioner as the transfer is an incidence of service. The petitioner was working as an Assistant Engineer in Chengelpet and he was transferred in the same capacity to the Ennur also. It is not the case of the petitioner that suddenly from a light work, the petitioner has been given heavy work. Therefore, no grounds are made out to interfere with the impugned orders of the transfer. The learned counsel repeatedly would submit that this Court should interfere on humanitarian grounds. The Court cannot grant any relief on sympathy alone in the absence of any legally sustainable grounds. The petitioner had submitted his representation dated 25.03.2024 to the Chief Engineer on humanitarian grounds and it is for the said authorities to consider and it is not for this Court to interfere with the transfer order. Therefore, the petitioner can pursue his representation as such.



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6. Accordingly, finding no merits in the Writ Petition, the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2024

Index : Yes
Neutral Citation : No
Speaking order : Yes

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D.BHARATHA CHAKRAVARTHY, J.

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