



W.P. No. 9065 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

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M.Poobalan

... Petitioner

-VS-

1. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Limited
Chennai – 600002.
2. The Chief Engineer
Distribution
Tirunelveli Region
Tirunelveli.
3. The Superintending Engineer
Tirunelveli Electricity Distribution Circle
Tirunelveli.
4. The Deputy General of Police
Vigilance Cell
Tamil Nadu Electricity Board
Chennai – 600002.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, call for the records of the respondents in connection with the transfer order issued by the first respondent in No.035235/G.1/G.1(2)/2023-1 dated 28.06.2023 and quash the same and further direct the first respondent to complete the enquiry within a time frame.



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For Petitioner : Mr. G.B.Jeyakumar

For Respondents : Mr. K.Rajkumar (TANGEDCO)

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ORDER

The petitioner is challenging the order of transfer transferring him from Tirunelveli Electricity Distribution Circle to Theni Electricity Distribution Circle as Assistant Executive Engineer, Lines, Theni.

2. The learned counsel for the petitioner submits that when there is no other adverse report against the petitioner, the petitioner has been transferred with malafide intention.

3. The impugned order of transfer is purely administrative in nature. It does not cause any stigma on the petitioner. No complaint or any other material is referred to in the impugned order of transfer. When that being the case, this court will not interfere in the order of administrative transfer. The transfer being an incidence of service, the petitioner is liable to join the transferred post and work in the said place. The petitioner has also joined and working in the said place.



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4. The learned counsel for the petitioner submits that the order of transfer is malafide in nature. In case of raising allegation of malafides, the authorities against whom such an allegation is raised is to be impleaded as party respondent in the writ proceedings in his personal capacity. In the absence of any person being impleaded in the individual capacity, this court is unable to interfere on the ground of malafide. The impugned order of transfer is dated 28.03.2023 and the petitioner has joined and working in the said post.

5. For all the foregoing reasons, this court is unable to interfere the impugned order. The writ petition is dismissed. No costs.

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Index: Yes/No

NCS: Yes/No

Speaking order /Non-speaking order

Maya

To

1. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Limited
Chennai – 600002.

2. The Chief Engineer
Distribution
Tirunelveli Region
Tirunelveli.



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D.BHARATHA CHAKARAVARTHY, J.

Maya

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