



W.P. No. 9170 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.04.2024**

**CORAM**

**THE HON'BLE MR. JUSTICE D.BHARATHA CHAKARAVARTHY**

**W.P. No. 9170 of 2024**

**and**

**W.M.P. Nos. 10195 and 10197 of 2024**

D.Dhasaradhan

... Petitioner

-VS-

1. The Chief Engineer / Personnel  
Tamil Nadu Generation &  
Distribution Corporation Limited  
No. 144, Anna Salai, Chennai – 2.
2. The Superintending Engineer  
Tamil Nadu Generation &  
Distribution Corporation Limited  
Thirupattur Electricity Distribution Circle  
Thirupattur.
3. The Superintending Engineer  
Tamil Nadu Generation &  
Distribution Corporation Limited  
Vellore Electricity Distribution Circle  
Vellore.
4. The Assistant Engineer / O & M  
Vinnamangalam, Thirupattur  
Electricity Distribution Circle  
Thirupattur.
5. The Assistant Engineer / O & M  
400 KV Sub-station  
Vellore Electricity Distribution Circle  
Thiruvalam.

... Respondents



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**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the entire records connected with the impugned order of transfer passed by the third respondent in Ku.En.003462/214/Mae.Po./ Vae.Mi.Pa.Va./Ni.Pi.2/ U.1/2024, dated 11.03.2024 and consequential reliving order passed by the fourth respondent in Lr. No. AE /O&M/VNM/F. /D.No.444 2023-2024, dated 25.03.2024 and quash the same.

For Petitioner : Mr. R.D.Ashok Kumar

For Respondents : Mr. K.Rajkumar (TANGEDCO)

### **ORDER**

Heard Mr. R.D.Ashok Kumar, learned counsel for the petitioner and Mr. K.Rajkumar, learned standing counsel (TANGEDCO) who takes notice for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. This writ petition is filed challenging the order dated 11.03.2024 in Ku.En.003462/214/Mae.Po./Vae.Mi.Pa.Va./Ni.Pi.2/U.1/2024 passed by the third respondent transferring the petitioner from Vinnamangalam, Thirupattur Electricity Distribution Circle, Thirupattur to 400 KV Sub-station Vellore Electricity Distribution Circle, Thiruvalam.



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3. The learned counsel appearing on behalf of the petitioner would assail the transfer order on three grounds. Firstly, he would submit that it is the Chief who ought to have passed the order and not the Superintending Engineer of the Vellore Electricity Distribution Circle. Secondly, he would submit that on the complaint given by one Raman, preliminary enquiry was conducted and he also appeared. The complaint was given by Raman out of personal animosity. Even if the respondent found *prima facie* truth in the case they ought to have assigned reasons for passing the impugned order. However, without doing so, a colourable administrative transfer is made as a punishment. He would further submit that even the transfer order also does not state any reasons whatsoever. The learned counsel is relied upon the judgment of the Supreme Court in ***Somesh Tiwari -vs- Union of India*** [(2009) 2 SCC 592] morefully relying upon paragraph 15 to contend that this impugned order is punitive in nature and as such when it is issued without issue of show cause notice, the petitioner is deprived of the opportunity to put forth his case and hence, the same is liable to be set aside.

4. *Per contra*, the learned counsel appearing for the respondents Board would submit that some complaint was made against the petitioner, but the said complaint was referred to enquiry by the Vigilance Department and



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after the preliminary enquiry, the vigilance department has given recommendations to shift the petitioner from the instant place. Therefore, the order of transfer is not an order of punishment but it is on administrative ground without causing any stigma on the petitioner. He would rely upon the judgment of this Court in ***P.Selvan -vs- The Chairman cum Managing Director*** [Order in W.P. No. 17826 of 2003 dated 11.09.2023].

5. The transfer order does not cause any stigma. It does not mention any reason that a complaint has been received against the petitioner. It mentions only administrative reasons. When a complaint has been received against the petitioner after preliminary enquiry without causing any stigma on the petitioner if the respondents intend to shift the Petitioner either by way of transfer the same would not become punitive. The said decision has already been made clear by the Hon'ble Supreme Court of India in ***Registrar General, High Court of Judicature of Madras -vs- R.Perachi*** [(2011) 12 SCC 137], morefully in paragraph 21, it is contended that transfer is an incident of service, and one cannot make a grievance if a transfer is made on administrative grounds, and without attaching any stigma.



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6. In view thereof, I am unable to hold that the impugned order is punitive in nature. Further, it can be seen that the petitioner has been shifted to only a distance of about 75 kilometers. Therefore, I do not find any ground to interfere with the impugned order.

7. The learned counsel appearing on behalf of the respondents had placed the order of Chief Engineer dated 04.03.2024, who had only ordered inter circle transfer. Therefore, the contention as to the jurisdiction also is without any merits.

8. Finally, the learned counsel for the petitioner apprehends that it affects the seniority and promotion to the next higher post. This Court is of the view that the administrative transfer cannot affect the seniority and service rights of the petitioner. This case being one of administrative transfer it would not affect the seniority and service rights of the petitioner.

9. The apprehension of the petitioner is not based on any material facts. As rightly contended by learned counsel for the respondents that the petitioner will not lose the seniority by way of inter circle transfer.



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10. It is seen that seven days time was granted for the petitioner to join in the transferred place. Since the petitioner has filed the writ petition and it is disposed of today, and the seventh day expired today, two more days from today is given to the petitioner to join duty in the transferred place.

For all the above reasons, the writ petition stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

01.04.2024

Index: Yes/No

NCS: Yes/No

Speaking order /Non-speaking order

**Note: Issue order copy on 23.04.2024.**

Maya

To

1. The Chief Engineer / Personnel  
Tamil Nadu Generation &  
Distribution Corporation Limited  
No. 144, Anna Salai, Chennai – 2.
2. The Superintending Engineer  
Tamil Nadu Generation &  
Distribution Corporation Limited  
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**D.BHARATHA CHAKARAVARTHY, J.**

*Maya*

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**01.04.2024**