



W.P.No.10477 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10477 of 2024
and W.M.P.Nos.11474 and 11476 of 2024

S.Indumathi

.. Petitioner

Versus

1. The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
2. The Chief Engineer Personnel,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 600 002.
3. The Superintending Engineer (P&A),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Mettur Thermal Power Station - II,
Mettur Dam - 6.
4. The Superintending Engineer (P&A),
North Chennai Thermal Power Station - I,
Chennai - 120.
5. The Deputy Chief Chemist,
Mettur Thermal Power Station - II,
Mettur Dam - 6.
6. G.Vinoth Kumar
7. S.Vidhya

.. Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, after calling for the records pertaining to the transfer order, dated 08.12.2022 passed by the 2nd Respondent in Memo No.071499/G15/G152/2002-1 transferring and posting the 6th Respondent in petitioner's place; the transfer order, dated 14.11.2023 passed by the 2nd respondent in Memo No.029151/90/G.6/G.61/2023-2, transferring him from Mettur Thermal Power Station - II (MTPS-II) to North Chennai Thermal Power Station - I (NCTPS-I), the relieving order, dated 01.02.2024 issued by the Deputy Chief Chemist in Memo No:DCC/CD/MTPS-II/F.3/D.No:31/2024; the order, dated 09.02.2024 issued by the 1st Respondent through the 2nd Respondent in Memo No.068884/G6/G61/2022-6 and the order, dated 12.02.2024 in Memo No.004086/83/Admn.I(6)/F.JC/2024 issuing modified promotion and posting order issued to the 7th Respondent and posting her as Junior Chemist at MTPS-I, quash the same and for a direction to the Respondents 1 to 5 to retain the petitioner at MTPS-II, where she was originally working as Junior Chemist before she went on maternity leave or at MTPS-I in which the 7th Respondent has been accommodated or in the vacancy which is going to arise on 31.05.2024, due to the retirement of V.Palanisamy and to treat the period from 04.12.2023 as duty with pay for all purposes.

For Petitioner : Mr.R.Krishnaswamy

For Respondents : Mr.David Sunder Singh,
Standing Counsel for RR-1 to 5



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ORDER

This Writ Petition is filed challenging the impugned order of transfer, dated 08.12.2022, thereby, transferring the petitioner from Mettur to Chennai.

2. The contention of the learned Counsel for the petitioner is that when the petitioner joined duty immediately after the Maternity Leave, she ought not to have been subjected to such a long distant transfer. As a matter of fact, the respondent authorities have modified as far as the order of transfer of one of the co-employee namely, *Vidhya* is concerned. The petitioner is better placed since the petitioner has two children, a four year old and a one year old. The petitioner had also made a representation to accommodate her in the subsequent vacancies which arose at the Mettur Thermal Power Station. The first vacancy arose in January, 2024 and there is yet another vacancy which is due to occur in the month of May, 2024. Without considering the petitioner's representation, the impugned order of transfer has been allowed to work as such.



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3. Learned Counsel for the petitioner submits that even though matters of transfer are within the discretion of the respondent authorities, they cannot arbitrarily pick and choose among employees and subject persons to arbitrary transfers, especially, when they rejoined duty after Maternity Leave.

4. I have considered the rival submissions made on behalf of the petitioner and perused the material records of the case.

5. The impugned order is an order of administrative transfer. Any order of transfer is supposed to visit the employee with hardship. Especially when the petitioner rejoins the duty after Maternity benefit, it is bound to cause greater hardship only. However, hardship is not a ground for the Court to interfere in an order of administrative transfer. Unless the transfer order is without jurisdiction or made malafide, the Court cannot interfere. The better treatment which is shown to the co-employee, cannot by itself give rise to any right to the petitioner. As a matter of fact, as far as the subsequent vacancies are concerned, the petitioner has made a



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representation and it is for the respondent authorities to consider the same in accordance with law.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

16.04.2024

Index : yes
Speaking order
Neutral Citation : no
grs

To

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