



WEB COPY



W.A.No.3321 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.A.No.3321 of 2024
and C.M.P.No.25792, 25793 of 2024

M.Raju

Vs.

... Appellant

1. The Chief Engineer, Personnel,
TANGEDCO, Administrative Branch,
N.P.K.R.R.Maligai,
No.144, Anna Salai, Chennai 600 002.
2. The Superintending Engineer,
Tirupattur Electricity Distribution Circle,
TANGEDCO, TS Balammal Colony,
Tirupattur 635 601.
3. The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
TANGEDCO.
4. The Assistant Executive Engineer - East,
Tirupattur Sub Division, Vengalapuram,
Tirupattur.

... Respondents



W.A.No.3321 of 2024

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent to allow the Writ Appeal and set aside the order dated 29.09.2023 in W.P.No.25718 of 2023 and consequently repost the appellant to his original post.

For Appellant : Ms.M.Devi Rudra

For Respondents : Mr.C.Manoharan, Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by **D.KRISHNA KUMAR, J.**)

Assailing the order passed by the learned Single Judge in 29.09.2023 in W.P.No.25718 of 2023, the writ petitioner has filed the present writ appeal and consequently, seeks directions of the respondents to repost him to his original post.

2. Heard the learned counsel for the appellant and the learned Standing Counsel appearing for the respondents and we have perused the materials on record.

3. A perusal of the records shows that the appellant herein was posted as a Junior Engineer at Mittur Section Office of TANGEDCO on 31.07.2020. Subsequently, he was transferred and posted to Krishnagiri



W.A.No.3321 of 2024

EDC on administrative grounds, vide order dated 14.08.2023.

Challenging the same, the appellant had filed the writ petition and the same was dismissed, vide order dated 29.09.2023. The above order passed by the learned Single Judge is impugned herein.

4. According to the appellants, he had raised several counts of mismanagement and corruption against the erring employees, however, without taking action against the erred employees, the respondent has passed the impugned transfer order, transferring the appellant to a different circle, which is out of turn transfer and not a regular transfer.

5. It is contended by the respondent that the impugned transfer order has been passed based on the vigilance enquiry report submitted by the Director General of Police/Vigilance Cell, TANGEDCO holding that the petitioner has indulged in various corrupt activities and thereby causing loss to the Board and earned illegal gratification. Therefore, the transfer order has been passed purely on administrative grounds and not as alleged by the appellant.



W.A.No.3321 of 2024

WEB COPY

6. At this juncture, it is useful to refer that in **State of U.P and others vs. Siya Ram and others [(2004) 7 SCC 405]**, the Honourable Supreme Court has held that unless the order of transfer is shown to be an outcome of mala fide exercise or stated to be in violation of statutory provisions prohibiting any such transfer, the Courts or the Tribunals normally cannot interfere with such orders as a matter of routine, as though they were the appellate authorities substituting their own decision for that of the employer / management, as against such orders passed in the interest of administrative exigencies of the service concerned.

7. Further, in **Airports Authority of India v. Rajeev Ratan Pandey and others [(2009) 8 SCC 337]**, the Honourable Supreme Court has held that in the matter of transferring Government employees, the scope of judicial review is limited and the High Courts should not interfere with an order of transfer lightly.

8. In the instant case, it is stated in the impugned transfer order that the appellant was transferred on administrative grounds. Further, it is the contention of the respondent that the appellant was transferred on



W.A.No.3321 of 2024

WEB COPY

administrative grounds, as the vigilance enquiry report reveals that the appellant has indulged in various corruption activities. Though the petitioner has raised allegation of malafide intention against the respondents for such transfer, there is no materials available on records to prove such allegations. Learned Single Judge, after hearing the submission made by the counsel on either side and also considering all the aspects, has passed the well reasoning order and we do not find any reason to interfere the same. As such, this writ appeal is liable to be dismissed, as it has no merits.

9. This writ appeal is dismissed accordingly. There shall be no order as to costs. Connected CMP Nos.25792 and 25793 of 2024 are closed.

(D.K.K, J.) (P.B.B., J.)

15.11.2024

mst

To

1. The Chief Engineer, Personnel,
TANGEDCO, Administrative Branch,
N.P.K.R.R.Maligai, No.144, Anna Salai,
Chennai 600 002.



W.A.No.3321 of 2024

2. The Superintending Engineer,
Tirupattur Electricity Distribution Circle,
TANGEDCO, TS Balammal Colony,
Tirupattur 635 601.
3. The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
TANGEDCO.
4. The Assistant Executive Engineer - East,
Tirupattur Sub Division, Vengalapuram,
Tirupattur.



WEB COPY



W.A.No.3321 of 2024

D.KRISHNAKUMAR, J.
and
P.B.BALAJI, J.

mst

W.A.No.3321 of 2024

15.11.2024