



WEB COPY



W.P.No.32367 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.32367 of 2023
and W.M.P.Nos.31986 & 31987 of 2023

N.Duraisamy

...Petitioner

-Vs -

1. The Chairman cum Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai – 2.

2. The Secretary,
Secretariat Branch,
N.P.K.R.R. Maaligai,
144, Anna Salai,
Chennai – 2.

3. The Chief Engineer,
TANGEDCO,
Tatabad,
Coimbatore – 12.

4. M.C.Sivadass

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining tot proceedings in Memorandum No.40185/A1/A11/2023-1, dated 01.11.2023 on the file of the second respondent and quash the same as being illegal, arbitrary, unconstitutional and contrary to law.



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For Petitioner : Ms.Srimathi.V.
For Respondents
For R1 to R3 : Mr.K.Rajkumar
Standing Counsel
For R4 : Mr.R.Amizhdhu

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 01.11.2023, thereby transferred the petitioner from Coimbatore to Tiruppur circle.

2. The petitioner had joined in the service of the electricity board as Technical Assistant on 18.01.1990. Thereafter, he was promoted to the post of Assistant Engineer on 05.08.1994 and posted in Coimbatore circle. Subsequently, he was promoted as Assistant Executive Engineer on 21.08.2006. Once again he was promoted to the post of Executive Engineer and transferred to Metro, Coimbatore on 06.08.2021. Now the petitioner has been transferred from Coimbatore to Tiruppur circle by an order dated 01.11.2023.

3. The learned counsel appearing for the petitioner submitted that in order to accommodate the fourth respondent, who has been transferred from Krishnagiri to Coimbatore, the petitioner was relieved



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from Coimbatore and transferred to Tiruppur. Further within a short span of time, the petitioner has been transferred on several occasions. Hence, he prayed to quash the impugned order by allowing this writ petition.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of the counter filed by the second respondent revealed that by an order dated 01.11.2023, not only the petitioner, three others were also transferred along with him to their respective places. In fact, after transfer, the petitioner did not join in the transferred place as such, the petitioner was served with show cause notice. Immediately, he joined in the transferred place and he is now working as Executive Engineer in Tiruppur circle.

6. In fact, the fourth respondent immediately after his transfer, he had joined in the petitioner's place. Further the petitioner was transferred on administrative grounds. That apart, the transfer is an incident of service and the petitioner cannot question the order of transfer unless making specific allegation of malafide or punitive in nature.



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Further the order of transfer has already been acted upon and this Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition itself devoid of merits and liable to be dismissed.

7. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

25.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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