



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.09.2024

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.1941 of 2024

and

W.M.P(MD)Nos.1939,1977 and 16454 of 2024

S.Jeyaseelan

..Petitioner

Vs

1.The Chief Executive Engineer/Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited(TANGEDCO),
Administrative Branch,
N.P.K.R.R.Maalgai,
Door No.144, Annasalai,
Chennai.

2.The Chief Engineer(Distribution),
TANGEDCO,
Tirunelveli Region,
Tirunelveli District.

3.The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
TANGEDCO,
Tirunelveli,
Tirunelveli District.

4.V.Thangamurugan
Assistant Executive Engineer,M/30 Kvss,
Ayikudy,
Tenkasi District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent vide Memo.No.012233/2082/Admn/A.1/F.AEE/2023, dated



25.11.2023 and quash the same as illegal and consequently to direct the respondents to consider the Petitioner for transfer at Urban Palayamkottai in accordance with law.

For Petitioner :Mr.M.Ajmal Khan
for M/s.Ajmal Associates

For Respondents:Mr.S.Arivalagan
1 to 3 Standing Counsel

For Respondent-4:Mr.S.Palanivelayutham

ORDER

The instant Writ Petition has been filed by the Assistant Executive Engineer,TANGEDCO, Tirunelveli challenging the order of transfer issued in favour of fourth respondent herein/the Assistant Executive Engineer, Ayikudy, Tenkasi District transferring him from Ayikudy to Palayamkottai under the impugned order, dated 25.11.2023.

2.The fourth respondent herein was transferred to Tenkasi on 29.6.2023 and within six months of his transfer, the fourth respondent had sent representations on 17.07.2023, 07.08.2023 and 11.09.2023 seeking retransfer to Palayamkottai. Since his representation was not considered, the fourth respondent has filed a Writ Petition in W.P(MD)No. 26974 of 2023 seeking a mandamus to consider his representation for retransfer to Palayamkottai. This Court by order, dated 11.09.2023, had directed the authorities to consider the request of the Writ Petitioner



therein for transfer to Palayamkottai on merits and in accordance with law and pass orders as and when vacancy arises at Palayamkottai.

3.The order of this Court, dated 09.11.2023 has been misconstrued by the authorities as a positive direction and proceeded to pass the impugned order, transferring the Petitioner therein from Ayikudy to Palayamkottai referring to the orders of this Court. The said order is under challenge by the another Assistant Executive Engineer, who had submitted his application for request transfer on 09.01.2024

4.The Petitioner herein is working as Assistant Executive Engineer at Nanguneri for the past four years. The petitioner has submitted his representation, dated 09.01.2024 seeking transfer to Palayamkottai. While he was waiting in the queue, the fourth respondent herein utilizing the orders of this Court, has managed to get an order of transfer impugned in this Writ Petition.

5.It is brought to the notice of this Court, for seeking request transfer, an employee should have completed one year of service in a particular station. Admittedly, the fourth respondent has joined Tenkasi only on 29.06.2023 and his right to seek request transfer arises only in June 2024. However, misconstruing the orders of this Court made in

W.P(MD)No.26974 of 2023, the order impugned in the Writ Petition has



been passed.

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6.In view of the above said circumstances, the order impugned herein, dated 25.11.2023 is set aside and a direction is issued to the respondents to consider the Petitioner's request for transfer to Urban Palayamkottai, if he is senior to others in making an application for request transfer.

7.With the above said observation, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.09.2024

NCS : Yes/No

Index : Yes/No

Internet:Yes/No

vsn

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R.VIJAYAKUMAR,J

vsn

ORDER MADE IN

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