



W.P.(MD).No.11397 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.(MD).No.11397 of 2024
and WMP(MD) Nos.10129 & 10131 of 2024

M.Elayaraja

... Petitioner

Vs

1. The Chief Engineer (Personnel),
TANGEDCO, Chennai.
2. The Superintending Engineer,
Trichy Electricity Distribution Circle / Metro,
TANGEDCO, Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling the records relating to the proceedings of the 1st respondent Memo No. 025784/G.11/G.111/2024-1, dated 22.05.2024 and the consequential proceeding of the 2nd respondent made in Memo No. 549/Adm.IV/A1/F.Reposting Order / 2024, dated 23.05.2024 and quash the same.

For Petitioners : Mr. R.Murali

For Respondents : Mr.B.Ramanathan
Standing Counsel



W.P.(MD).No.11397 of 2024

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ORDER

Heard Mr.R.Murali, learned counsel for the petitioner and Mr.B.Ramanathan, learned Standing Counsel, for the respondents.

2.The petitioner is aggrieved to the transfer order issued by the first and second respondents on 22.05.2024 has filed this writ petition seeking to quash the proceedings of the 1st respondent in Memo No. 025784/G.11/G. 111/2024-1, dated 22.05.2024 and the consequential proceeding of the 2nd respondent in Memo No. 549/Adm.IV/A1/F.Reposting Order / 2024, dated 23.05.2024.

3.The learned counsel for the petitioner submitted that even though the petitioner cannot have any concrete objection in respect of transfer on administrative grounds, the impugned transfer order has been issued based upon the Vigilance report. The petitioner has not been given with the Vigilance report and he was kept under dark. The petitioner submitted that the transfer order issued against him is stigmatic and punitive.



W.P.(MD).No.11397 of 2024

WEB COPY

4.The learned Standing Counsel appearing for the respondents submitted that the transfer order has been issued only on administrative grounds based upon the Vigilance report. The petitioner cannot have the right to challenge the transfer order as a matter of right, because transfer is incidental to service.

5.However, it is the grievance of the petitioner that he has been transferred based on the Vigilance report, about which, he was not aware of. The Vigilance report is obtained by the Department are always been confidential and hence, the petitioner cannot expect a copy of the report to be served on him as a routine procedure.

6.After getting the Vigilance report for administrative reasons sometimes it is possible to effect transfers. In the instant case, the petitioner has not yet been relieved. In such case, the petitioner can give a representation to the respondent to furnish a copy of the Vigilance report and on such representation, the respondent shall furnish a copy of the Vigilance report to the petitioner if permitted or if for any acceptable reasons, the report cannot be furnished to the petitioner, the respondent shall state the said reasons and



W.P.(MD).No.11397 of 2024

inform the petitioner. In the event of copy of the Vigilance report is furnished to the petitioner and depending upon its nature, the respondent shall provide him an opportunity to give an explanation and if the respondent deems it fit, can reconsider the transfer order or reject the explanation and relieve him.

7.In view of the above said observation, the petitioner is directed to give his representation within a period of one week from the date of receipt of copy of the order and on receipt of the same, the respondent shall take a call and observe the above direction within a period of two weeks, thereafter. However, the petitioner shall not be relieved, till the completion of above said exercise.

8.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



W.P.(MD).No.11397 of 2024

To
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2. The Superintending Engineer,
Trichy Electricity Distribution Circle / Metro,
TANGEDCO, Trichy.



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W.P.(MD).No.11397 of 2024

R.N.MANJULA, J.

PNM

**ORDER IN
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