



WP(MD) No11493 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11493 of 2024

and

W.M.P(MD)Nos.10242 & 10243 of 2023

N.Balavenkatesh

... Petitioner

Vs.

1.The Director/Distribution,
TANGEDCO,
Administrative Branch,
N.P.K.R.R.Maligai,
No.144, Anna Salai,
Chennai – 600 002.

2.The Superintending Engineer,
Thanjavur Electricity Distribution Circle,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the relating to the impugned order passed by the 1st respondent vide his proceedings in Memo.No.013319/G.54/G.541/2024 dated 09.05.2024 and consequential impugned order passed by the 2nd respondent vide his impugned proceedings in Memo.No.193/SE/



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TEDC/TNJ/Ado/Adm1/A1/F.Releive/2024 dated 10.05.2024 and quash the same as illegal.

For Petitioner : Mr.S.Mohamed Suhail
for M/s. Ajmal Associates
For Respondents : Mr.P.Ramanathan
Standing Counsel

ORDER

Heard Mr.S.Mohamed Suhail, learned counsel for the petitioner and Mr.P.Ramanathan, learned Standing Counsel for the respondent.

2. The petitioner has filed this petition seeking a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent vide his proceedings in Memo No. 013319/G.54/G.541/2024 dated 09.05.2024 and consequential impugned order passed by the 2nd respondent vide his impugned proceedings in Memo No.193/SE/TEDC/TNJ/Ado/Adm1/A1/F.Releive/2024 dated 10.05.2024 and quash the same as illegal.



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3. The petitioner who is working as an Office Helper in the respondent Electricity Department has been transferred from Thanjavur to Karur Distribution Circle in the existing vacancy by virtue of the proceedings of the first respondent dated 09.05.2024.

4. The petitioner submitted that according to the petitioner the order has been passed in a punitive nature. However the order as it appears shows that it is on administrative grounds.

5. Mr.S.Mohamed Suhail, learned counsel for the petitioner submitted that the authority, who has passed the transfer order, is not the competent authority to pass the transfer order.

6. The petitioner's only contention is that the transfer order itself has been passed in a malafide manner. But from the submission made by the learned Standing Counsel, it is learnt that the petitioner had availed



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4224 days on unauthorised leave in his total service started from the year 1999 till the date of transfer order. It is further stated that 13 disciplinary proceedings are initiated against the petitioner and the punishment is up to the year 2030. Sometimes for administrative exigencies, the transfer orders shall be passed. Hence, the petitioner shall not take the transfer order as punitive in nature.

7. Since the order is a Headquarters order, the first respondent is the appropriate authority to pass transfer order and hence, the petitioner cannot challenge the competency of the authority who has passed the transfer order. Even if the transfer order is passed on any of the pending charges against the petitioner, there may be administrative exigency to transfer an employee pending the charges to ensure that the enquiry proceedings are conducted in an impartial manner. As rightly pointed out by the learned Standing counsel, the transfer order has been passed purely on administrative reasons.



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8. In view of the above stated reasons, this writ petition is **dismissed**. No Costs. Consequently, connected miscellaneous petitions are closed.

11.06.2024

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

PJL

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R.N.MANJULA, J.

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