



WP(MD). No.12659 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 14/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.12659 of 2024 and
WMP(MD) Nos.11263 and 11264 of 2024**

K.Ganesan

... Petitioner

Vs

1. The Superintending Engineer,
Tirunelveli Electricity Generation Circle,
Tangedco,Maharaja Nagar, Tirunelveli - 11..

2. The Assistant Engineer,
Electrical Section,
Power House-2, Tangedco,
Kothaiyar Lower Camp - 629 102,
Kanyakumari District..

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned order in Ku.Aa.No.ST063/VuNi.A/Ni.Pi.2/Vu-1/Kho.Edamatram/2024 dated 07.06.2024 on the file of the respondent no.1 and the consequential impugned order in Letter No. Vu.Po/Mi/Mi.Ni.2/Kothaiyar/Kho.O2/No. 92/24 dated 07.06.2024 on the file of the respondent no.2 and quash the same as illegal.



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For Petitioner : Mr.T.Aswin Raja Simman,

For Respondents :Mr.S.Arivalagan

ORDER

The petitioner has filed this writ petition challenging the impugned order of the 1st respondent dated 07.06.2024 on the file of the respondent no.1, whereby the petitioner has been transferred stating administrative reasons.

2. The learned counsel for the petitioner submitted that the petitioner is a Trade Union Leader and he has given representation seeking double wages to the employees and hence, he was issued with a show cause notice calling for explanation on 16.04..2024, for which the petitioner has also given his explanations. However, subsequent to the said explanation, the petitioner was transferred from Kothaiyar lower camp to highwavis at Megamalai, which is punitive in nature.

3. Perusal of the notice dated 16.04.2024 shows that the said notice was not given in order to take action against the petitioner, but it was



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only an office memorandum calling for an explanation stating that he had given the request for double wages, even without ascertaining that double wages have already been granted to the employees for working during Thaipooosam, ie., on Government holiday.

4. The learned standing counsel however submitted that the petitioner is working in the same station for more than 20 years and hence, transferring him from one place to another place will not be viewed as punitive one.

5. As stated already, the notice calling explanation itself does not appear to have been issued with an intention to punish the petitioner. The petitioner has now been transferred to a hill station from another hill station. As the petitioner is aware that transfer is incidence of service and since the transfer order was not given with an intention to punish him, it is up to him to place any request to transfer him to some other place for any valid reasons, after joining and serving in the transferred place for some time.



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6. The writ petition is disposed of with the above observations. No costs. Consequently the connected Miscellaneous Petitions are closed.

14.06.2024

RR

TO

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Tangedco,
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2. The Assistant Engineer,
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R.N.MANJULA,J

RR

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