



W.P.No.17913 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

W.P.No.17913 of 2019

and

W.M.P.No.17320 of 2019

1. K.Veeraraghavan

... Petitioner(s)

Vs.

1. Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep. by its Chief Engineer,Personnel
No.144, Anna Salai, Cheennai 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Kallakurichi Electricity Distribution Circle,
Kallakurichi, Villupuram District.

3.Executive Engineer (O and M),
Tamil Nadu Generation and
Distribution Corporation Ltd.,
Thirukovilur 605 757

4.Assistant Engineer (O and M),
Town Tamil Nadu Generation and
Distribution Corporation Ltd.,
Thiyagadurgam, Kallakurichi Taluk,
Villupuram District.

5.Superintending Engineer,
Tamil Nadu Generation and

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Distribution Corporation Ltd.,
Krishnagiri Electricity Distribution
Circle, Krishnagiri.

... Respondent(s)

Prayer:- Writ Petition is filed under Article 226 in the High Court of Judicature at Madras calling for the concern records from the 1st respondent, quash the order of the 1st respondent dated 12/06/2019 bearing memo No.040199/611/G42 /G421 /2019 as illegal, arbitrary and contrary to law and consequently direct the respondents to retain the petitioner in the office of the 4th respondent.

For Petitioner(s) : Mr.Balan Haridas

For Respondent(s): Mr.C.Manoharan,
Standing Counsel

ORDER

This writ petition is filed challenging the order of the 1st respondent dated 12/06/2019 bearing memo No.040199/611/G42/G421/2019.

2.Heard learned counsel for the petitioner and learned Standing Counsel appearing on behalf of the respondents and perused the records.

3.The case of the petitioner in brief is that the petitioner was working as wireman in the office of Assistant Engineer/ Q&M/ Town,
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Thiyagadurgam Section, Kallakurichi Electricity Distribution Circle and

that by an order of transfer issued on administrative grounds, he was relieved from the said post and was directed to report for duty in the Office of Superintending Engineer/ Krishnagiri Electricity Distribution Circle, with immediate effect.

4.The petitioner contends that the impugned transfer order is contrary to the TNEB Service Regulations, presently in force, regulating/ governing the transfer of employees.

5.The petitioner further contends that, although transfer is generally recognised as an incident of service, in the case of Class IV employees, such transfer is ordinarily restricted to postings within the same District. It is contended that, by the impugned proceedings, the respondents have transferred the petitioner to a different District altogether, which action is vitiated by mala fides. In support of the above contention, reliance is placed upon the judgment of the Hon'ble Supreme Court in the case of ***Somesh Tiwari Vs. Union of India & others, (2008) 11 SC 738***, wherein it was held that power of transfer must be exercised fairly and in accordance with law.



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6.Per contra, the learned Standing Counsel, appearing on behalf of

the respondents, submits that transfer of the petitioner was effected pursuant to a vigilance inquiry initiated against him, wherein the vigilance cell recommended that the petitioner be transferred to another District. It is contended that the impugned transfer order was passed in furtherance of such recommendation and therefore, cannot be said to be arbitrary or without justification.

7.It is further submitted on behalf of the respondents that the petitioner, having already been visited with the penalty of censure, was consequently transferred from his present place of posting. The respondents contend that the Petitioner's transfer to Krishnagiri District is neither without cause nor vitiated by mala fides, but is a measure taken in the interest of administrative discipline and propriety.

8.In response, the learned counsel for the petitioner submits that the order of "censure" imposed by the Superintending Engineer, Kallakurichi Electricity Distribution Circle, was subsequently cancelled and in its place, only a "warning" was issued to the petitioner, cautioning him to ensure that such mistakes do not happen in future. It is contended that a mere warning cannot be treated as a punishment, and therefore, the respondents cannot

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rely upon the said proceedings to justify the impugned transfer order.

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9.I have taken note of the respective contentions urged. The basis for issuing the impugned proceeding is the vigilance inquiry and the recommendation made by the vigilance authority. However, any such recommendation, if contrary to the standing orders and circulars presently in force, cannot be given effect to, merely because it had emanated from the vigilance authority. Administrative decisions must conform to the governing rules and instructions, and cannot be sustained when they run counter to binding rules and regulations.

10.Since, it is not in dispute that Class IV employees cannot be transferred beyond the district, circle, or distribution circle, the impugned order by which the petitioner is sought to be transferred to Krishnagiri Electricity Distribution Circle, which is altogether a separate Circle, is clearly contrary to the TNEB Service Regulations. Hence, the impugned transfer order cannot be sustained in law.

11.Accordingly, the impugned order of transfer is set aside, and the writ petition is allowed. It is, however, made clear that the respondents are at liberty to take appropriate action against the petitioner, if warranted, strictly in accordance with the relevant regulations and standing orders that

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are in force. There shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

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Sd/-
11.11.2025

//True Copy//

Sub Assistant Registrar

Sha

To

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T.VINOD KUMAR J.

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