



W.P.No.36117 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.36117 of 2024 &
WMP.No.39010 of 2024

M.Murugesan

... Petitioner

-Versus-

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer/Personnel,
Tamilnadu Generation and Distribution
Corporation (TANGEDCO),
144, Anna Salai,
Chennia – 600 002.

3.The Superintending Engineer,
Operation and Maintenance,
Tamilnadu Generation and Distribution
Corporation (TANGEDCO),
Udayapatti, Salem – 14.

4.The Executive Engineer,
Operation and Maintenance,
Tamilnadu Generation and Distribution
Corporation (TANGEDCO),
Attur – 636 112.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the entire records in pursuant to the impugned order vide Ku.No.292/NePe 3/Vu.2/Koo.Tha Pa Nee / 2024-3 dated 15.11.2024 transferring the petitioner from the original place of work at Attur to the SPS/Central Office/Salem passed by the third respondent and quash the same and consequently direct the respondents to allow the petitioner to report for work at the Original place of work at Attur.

For Petitioner : *Mr.A.Deivasigamani*

For Respondents : *Mr.C.Ramkumar,*
Standing Counsel

ORDER

The writ petition has been filed in the nature of certiorarified mandamus calling for the records relating to an order dated 15.11.2024 by which order, the petitioner was transferred from Attur to Salem. This order was passed by the third respondent. The petitioner seeks that the said order to be set aside by this Court.

2. In the affidavit filed in support of this writ petition, it had been stated that the petitioner was working in Sub-Store at Attur under the fourth respondent, Executive Engineer, Operation and Maintenance, TANGEDCO at



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Attur. It had been stated that the Assistant Engineer, Operation and Maintenance /East, Attur issued an order of suspension on 01.08.2024. The petitioner had given a reply on 17.08.2024. Thereafter, the Assistant Executive Engineer had conducted a preliminary enquiry and the petitioner had also given a statement on 20.08.2024. He had also given a representation on 21.08.2024 and sought to revoke the suspension order. It had been stated that the fourth respondent then issued a charge memo on 11.09.2024 raising allegations against the petitioner. It had also been stated that subsequently, the fourth respondent had passed an order on 18.10.2024 revoking the suspension order with effect from 18.10.2024.

3. The petitioner claims that his mother is aged and that, he has daughter who is otherwise challenged and requires the assistance of both parents. Thereafter, it is contended that the enquiry officer had been appointed for conducting domestic enquiry. Pending domestic enquiry, the impugned order had been passed transferring the petitioner from original place of service / Attur to Salem. This order is now challenged by the petitioner herein.

4. The learned standing counsel for the respondents however stated that the petitioner would not be put to much difficulty, since according to him he



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stated that the distance from Vazhapadi which is the original place of the petitioner to Salem would be 30 kms. It is contended that from Attur, the distance would be much less. It is contended by the respondent that consequent to a complaint received from the general public, which was also reflected in the news, print and electronic media, allegations were raised that the wife of the petitioner was constructing a building at Vazhapadi using materials belonging to the TANGEDCO. It is therefore stated that the petitioner, who was the incharge of the Sub-Store, could have been complicit in materials of the respondents/TANGEDCO being transferred for his personal utilisation.

5. These are issues which would have to be examined. But however, it is to be noted that the respondents have also followed the due procedure enunciated by law. They had conducted a preliminary enquiry. They had given the petitioner an opportunity to explain his stand and thereafter, they had taken a decision to initiate disciplinary proceedings and had issued a charge memo. They had also received explanation for the charge memo. They had now appointed an enquiry officer. It is only appropriate that the petitioner stays away from Attur, during the course of enquiry. Since he was in service at Attur, the records in Sub-Store at Attur would have to be examined about the stock available and the stock which had been utilised allegedly for construction of the



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house at Vazhapadi.

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6. These are issues which will have to be examined in detail during the course of disciplinary proceedings and the presence of the petitioner at Attur would put spokes for the free flow of the disciplinary proceedings. Therefore, I am not inclined to interfere with the order of the transfer, even though the learned counsel states that the petitioner has aged mother and a daughter who requires assistance of both parents. The distance being minimal from Vazhapadi to Salem, the petitioner would certainly be in a position to overcome the said issue.

7. The writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.03.2025

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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No



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C.V.KARTHIKEYAN, J.

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