



W.P.(MD)No.1066 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : **28.03.2025**

Ordered on : **08.04.2025**

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.1066 of 2025
and WMP(MD)No.693 and 694 of 2025

S.Balasubramanian

... Petitioner

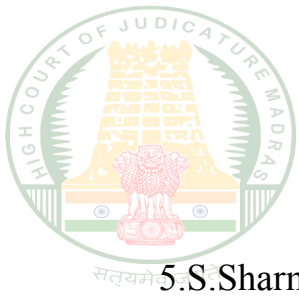
Vs.

1.Tamil Nadu Power Distribution
Corporation Limited (TNPDC),
Represented by its Chariman cum Managing Director,
NPKRR Maaligai, 144, Anna Salai,
Chennai – 600 002

2.Tamil Nadu Power Distribution
Corporation Limited (TNPDC),
Represented by its Secretary,
Secretariat Branch, NPKRR Maaligai,
144, Anna Salai, Chennai 600 002.

3.The Chief Engineer /Personnel (I/C),
Tamil Nadu Power Distribution
Corporation Limited (TNPDC),
NPKRR Maaligai, 144, Anna Salai,
Chennai – 600 002

4.The Executive Engineer,
Tamil Nadu Power Distribution,
Corporation Limited (TNPDC),
Palani, Dinidigul District.



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5.S.Sharmila Devi

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the Impugned Order in Memo.No. 007099/G.53/G.532/2024 dated 17.12.2024 and the Impugned Order in Memo No. 007099/G.53/G.532/2024-10 dated 17.12.2024 on the file of the respondent no. 3 in so far as transferring and posting the respondent no. 5 in the place of the petitioner and the consequential impugned order in Memo. No. EE/PLN/Adm/F.Relieving / D.No. 2337/2024 dated 21.12.2024 on the file of the respondent no. 4 and quash the same as illegal

For Petitioner : Mr.T.Aswin Raja Simman

For R1 to R4 : Mr.B.Ramanathan
Standing Counsel

For R5 : Mr.VR.Shanmuganathan

ORDER

This Writ Petition has been filed against the proceedings dated 17.12.2024 issued by the third respondent transferring the petitioner from Palani Division to Madurai Division as the Assistant Administrative Officer and the proceedings dated 17.12.2024 issued by the third respondent promoting the fifth



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respondent from the post of Administrative Supervisor to the post of the Assistant Administrative Officer and the proceedings dated 21.12.2024 issued by the fourth respondent directing to relieve the petitioner from the post of Assistant Administrative Officer, Palani with effect from 21.12.2024 f.n.

2. Heard the learned counsel for the petitioner and the Standing Counsel appearing for the respondents 1 to 4 and the learned counsel for the fifth respondent and carefully perused the materials available on record.

3. The learned counsel for the petitioner would submit that the petitioner was promoted as the Assistant Administrative Officer in the year 2017 and was working at Palani, Dindigul Electricity Distribution Circle from 15.07.2019. The respondent No.3 has issued the transfer order dated 17.12.2024 transferring the petitioner to Madurai EDC and posted the fifth respondent in his place on promotion from the post of Administrative Supervisor. The learned counsel for the petitioner submits that this Court has time and again deprecated the practise of transferring an employee for the purpose accommodating some other person and the third respondent is continuing to follow the said illegality. The third respondent issued transfer order on administrative convenience intentionally to



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accommodate the fifth respondent in his place. The learned counsel contends

that it is unlawful since the fifth respondent has completed more than nine years of service continuously in the same Palani Division office, Dindigul EDC.

The learned counsel contends that the third respondent transferred the petitioner and created vacancy and posted the fifth respondent on promotion in the said vacancy. The learned counsel for the petitioner submits that the impugned orders dated 17.12.2024 issued by the third respondent are highly arbitrary, illegal and against the settled principles of law and it is a colourable exercise of power. As such, it is liable to be set aside.

4. On behalf of the respondents 1 to 4, a counter affidavit has been filed. Basing on the averments of the counter affidavit, the learned Standing Counsel would submit that this writ petition has to be dismissed as infructuous in view of the fact that the petitioner was relieved from the post of Assistant Administrative Officer on 21.12.2024 FN itself and joined in the transferred place on 30.12.2024 as per the impugned order. Similarly, the fifth respondent had also joined the promoted post at Palani on 21.12.2024 FN The learned Standing Counsel would also submit that the petitioner was working in Palani Division as the Assistant Administrative Officer from 15.07.2019, thereby

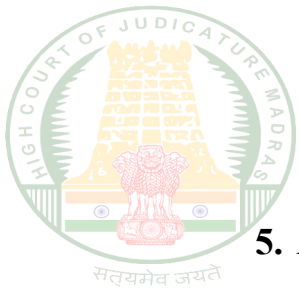


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served for about 5 ½ years as the Assistant Administrative Officer at Palani in

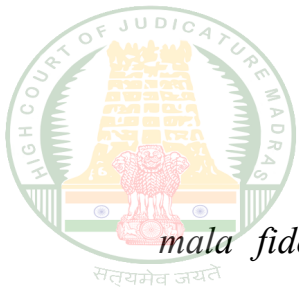
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the Class-II post. The learned Standing Counsel submits that the contention of the petitioner that the impugned order of transfer is issued to accommodate the fifth respondent on promotion is contrary to truth. He submits that the management in the normal course of posting officers would consider the various aspects, which includes the number of years of service in Officer cadre post in a particular station and smooth functioning etc and implementing the same by administrative transfer orders of existing officers at the time of issuing promotion and posting orders. The learned counsel further submits that the fifth respondent has also made a representation to consider her case under spouse category and accordingly, while issuing posting orders to the petitioner, the said request is considered. The learned Standing Counsel further contends that the transfer is incident of service and it could not be challenged except on two grounds viz. violation of statutory provision and that the transfer is vitiated by *mala fide*. As in the instant case, the petitioner could not challenge the order on either of the grounds, except making a bald statement of *malafide* and none of the allegations are acceptable and they are misconceived and accordingly sought to dismiss the writ petition.



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5. A counter affidavit has been filed by the fifth respondent. Basing on the averments made in the said counter affidavit, the learned counsel for the fifth respondent would submit that the contention of the petitioner that by the impugned orders the third respondent has created vacancy to accommodate the fifth respondent is not correct. The learned counsel for the fifth respondent would further submit that on transfer of the petitioner in the resultant vacancy, the fifth respondent has been accommodated and promotion to the fifth respondent is not solitary and it was for batch of persons. If the petitioner is disturbed and this respondent alone is promoted to that place, the contention of the petitioner may have some force but that is not the case on hand. The learned counsel for the fifth respondent further submits that the fifth respondent's husband is working as Bheskar in Palani temple, which is a non-transferable post and she has to take care of her mother and mother-in-law, who are aged about 80 years and who are sick. She is a lady having two children. Her daughter is studying 12th standard in Palani School and her son is studying 8th standard in Palani school. Therefore, on Spouse category and on all other mitigating circumstances, she is compelling to be in Palani division and accordingly, she requested the third respondent to post her at Palani under spouse category. The learned counsel further submits that in the absence of any



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mala fide exercise of power by authorities or violation of any statutory provision, judicial review of orders of transfer is impermissible as per the settled law. Accordingly, he sought to dismiss the writ petition.

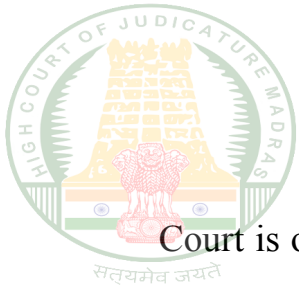
6. Having considered the submissions of the respective counsels and on careful examination of the materials available on record, it appears that the petitioner is working as the Assistant Administrative Officer in Palani division of respondent Corporation since 15.07.2019 thereby he was serving there for about 5 ½ years at Palani. The fifth respondent was also working as the Administrative Supervisor at Palani and she is promoted to the post of the Assistant Administrative Officer and she was posted in the vacancy available at Palani consequent to the transfer of the petitioner to Madurai EDC. The contention of the petitioner is that only to accommodate the fifth respondent the petitioner has been transferred to Madurai EDC. Admittedly, the petitioner is working at Palani for more than 5 ½ years. The reason assigned by the third respondent to post the fifth respondent as the Administrative Officer at Palani is under Spouse category. It is not the case of the petitioner that the fifth respondent's husband is not working in Palani temple which is a non-transferable post and the official respondent illegally posted her at Palani



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showing the Spouse ground. As the husband of the fifth respondent is working as Bheskar in Palani temple, which is a non-transferable post and the fifth respondent, being a lady, has to take care of her mother and mother-in-law aged about 80 years and to take care of two children, who are studying at Palani school, it is reasonable and desirable on part of the official respondents to consider the request of the fifth respondent to post her at Palani on promotion to the post of the Assistant Administrative Officer.

7. It appears from the record that consequent to the transfer order dated 17.12.2024, the petitioner was relieved from palani on 21.12.2024 FN and joined in the transferred place on 30.12.2024 and the fifth respondent also joined in the promoted post on 21.12.2024 FN. As rightly submitted by the learned Standing Counsel for the TNPDCCL, the transfer is incident of service it can be challenged only on two grounds i.e i) violation of statutory provision and ii) transfer is vitiated by *malafides*. In the present case, none of the two grounds appears. The petitioner is transferred due to the reason that he is working at Palani for more than 5 ½ years and in the said vacancy, the fifth respondent was posted on promotion under Spouse category. It cannot be seen that the orders are issued *mala fidely* or in any colourable exercise of power. Accordingly, this



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Court is of the opinion that the petitioner failed to make out any strong case for warranting interference of this Court by exercising its powers under Article 226 of the Constitution of India.

8. Accordingly, this writ petition is dismissed.

There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

08.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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BATTU DEVANAND, J.

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