



WEB COPY



W.P. No.18853 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2026

CORAM:

THE HON'BLE MR. JUSTICE **M. DHANDAPANI**

W.P. No.18853 of 2024 and
WMP.No.20687 of 2024

T.Abdul Gafoor

... Petitioner

Vs

1.THE CHAIRMAN CUM MANAGING DIRECTOR,
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION
LIMITED, 144, ANNA SALAI, CHENNAI 600 002

2.THE CHIEF ENGINEER / PERSONNEL,
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION
LIMITED, 144, ANNA SALAI CHENNAI 600 002

3.THE SUPERINTENDING ENGINEER,
KADAMPARAI GENERATION CIRCLE, MINPARAI 642 101

4.THE SUPERINTENDING ENGINEER,
VIRUTHUNAGAR GENERATION CIRCLE, VIRUTHUNAGAR

5.M.CITYBABU

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records in pertaining the impugned Transfer order issued by the 2nd respondent Chief Engineer / Personnel vide memo No 034196 / 201 / G.55 / G.552 / 2024 dated 29.06.2024 and quash the same and consequently direct the respondent to



W.P. No.18853 of 2024

permit the petitioner to continue his work at Solaiyar Division -1.

For petitioner : Mr.K.V.Dhanapalan
for M/s.T.Fenn Walter Associates

For respondents
For R1 to 4 : Mr.David Sunder Singh,
Standing Counsel

For R5 : Mr.R.Muralikrishnan

ORDER

This Writ Petition has been filed to quash the transfer order issued by the 2nd respondent i.e. Chief Engineer / Personnel vide memo No 034196 / 201 / G.55 / G.552 / 2024 dated 29.06.2024 and consequently to issue direction to permit the petitioner to continue his work at Solaiyar Division -1.

2. The petitioner was initially recruited as Helper under Tamilnadu Electricity Board in the year 1994. Thereafter, the petitioner was appointed as Driver in the year 1999. He was promoted as Senior Driver in the year 2005. In the year 2010, the petitioner was implicated in a criminal case for the alleged offence under Sections 21 (d)(e) and 21(f) of Tamilnadu Forest Act, 1982 and immediately thereafter, the petitioner was suspended. Subsequently, suspension order was revoked without prejudice to the outcome of the criminal trial and the petitioner was posted as Senior Driver at Solaiyar Division in the year 2011. In



W.P. No.18853 of 2024

the year 2016, the post of Heavy Vehicle Driver fell vacant in Kadambarai circle and since the criminal trial was pending against the petitioner, his name was not included in the panel for promotion to the post of Heavy Vehicle Driver. However, the petitioner's junior namely fifth respondent was appointed as Heavy Vehicle Driver. Thereafter, the criminal case ended in acquittal in the year 2017 and in between, no disciplinary proceedings was initiated against the petitioner for the alleged criminal case pending against the petitioner. After acquittal, the petitioner was absolutely free and there was no legal impediment to consider the petitioner's promotion to the post of Heavy Vehicle Driver. In the meanwhile, on 13.02.2019, transfer order was passed transferring the fifth respondent who is junior to the petitioner to Erode and immediately after acquittal, the petitioner was given promotion as Heavy Vehicle Driver with retrospective promotion on the basis of the criminal court order and thereafter the fifth respondent was transferred from Kadambarai to Erode. However, the fifth respondent filed writ petition before this Court in WP.no.7322 of 2024 and obtained order of status quo on 19.03.2024. Thereafter, the impugned order has been against the petitioner. Challenging the same, the present writ petition has been filed.



3. The learned counsel appearing for the petitioner would submit that admittedly as per Regulation of the Board, when a transfer order is passed, the second respondent has to pass only in respect of the junior most person. The second respondent rightly passed transfer order against the fifth respondent from Kadamparai to Erode. However, in view of the status quo granted by this Court, immediately instead of taking steps to vacate the interim order, the second respondent transferred the petitioner from Solaiyar to Virudhunagar which is far away place and it was in the middle of the academic year. It is unsustainable one. He further submitted that the fourth respondent sent a report to the second and third respondents that there is no post available in Virudhunagar Sub Division. In the non available post, petitioner has been transferred, which is unsustainable one. When they are not able to achieve the transfer order against the fifth respondent, the petitioner has been transferred to a far away place i.e. from Solaiyar Division to Virudhunagar Division, which is unsustainable. Accordingly, he prayed for suitable direction.

4. Per contra, the learned Standing Counsel appearing for respondents 1 to 4 submitted that two Special Grade Foreman Driver posts are sanctioned in Kadamparai Generation Circle. The newly created post of Special Grade Foreman Driver post was allotted to Civil Division / Minparai in Kadamparai



W.P. No.18853 of 2024

Generation Circle and another one Special Grade Foreman Driver post was allotted to Sholayar Power House-I in Kadamparai Generation Circle. The 5th respondent was transferred along with the post of Special Grade Foreman cum Driver vide Chief Engineer / Personnel / Chennai's Memo.106640/1471/G.42/G.422/2019-2, dated: 09.08.2019 and the 5th respondent joined on 19.08.2019 at Solaiyar Power House-I in Kadamparai Generation Circle. Thereafter, the two Special Grade Foreman cum Driver posts are utilized in Solaiyar Power House-I in Kadamparai Generation Circle. Vide orders issued in (Per.) CMD TANGEDCO Proceeding No. 7, Dated. 13.02.2023, one post of Special Grade Foreman cum Driver shifted to Operation and Maintenance Section of Kadamparai Power House in Kadamparai Generation Circle / Kadamparai from Solaiyar Power House-I/Civil Section in Kadamparai Generation Circle/Kadamparai. The Junior i.e. 5th respondent was shifted to Operation and Maintenance section of Kadamparai power house in Kadamparai Generation Circle/Kadamparai along with post vide Memo.No.090/SE/KGC/Min / Adm.II / A.1/F.Transfer / 2024, dated.13.02.2024. Thereafter, the 5th respondent filed a Writ Petition No.7322 of 2024 and Interim Order was issued as 'Status Quo' to be maintained. Hence the post of which was shifted to Operation and Maintenance section of Kadamparai power house in Kadamparai Generation Circle / Kadamparai from Sholayar Power House-I/Civil section in Kadamparai Generation Circle / Kadamparai vide

Page 5 of 8



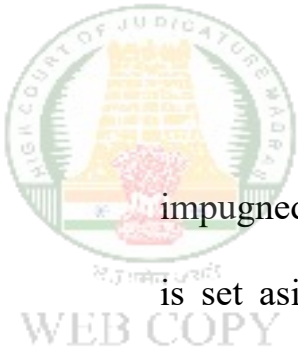
W.P. No.18853 of 2024

Memo.No.090 / SE /KGC/Min/Adm.II/A.1/F.Transfer/2024, dated. 13.02.2024

is cancelled vide Memo.No.109 / SE / KGC/Min/Adm.III / A.2/F.Dkt / 2024,
dated.27.03.2024.

5. Heard, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. The facts and circumstances of this case are not in dispute. Admittedly, the petitioner involved in a criminal case in the year 2010 and it is also not in dispute. The criminal case ended in acquittal in the year 2017. Thereafter, the petitioner was given promotion retrospectively in the post of Heavy Vehicle Driver. Thereafter, the petitioner's seniority was fixed above the fifth respondent. Thereafter, on administrative ground, transfer order was passed to transfer the fifth respondent who is the junior most person from Kadamparai to Solaiyar where the petitioner is working as Heavy Vehicle Driver. Such transfer order is motivated one. Subsequently, the fifth respondent obtained interim order of status quo before this Court in WP.No.7322 of 2024 and in view of the status quo, the petitioner was transferred from Solaiyar to Virudhunagar in order to accommodate the fifth respondent which is not sustainable one. The fifth respondent is the junior most person. Hence, the



W.P. No.18853 of 2024

impugned transfer order is not sustainable one. Accordingly, the impugned order is set aside. However, this order of this Court will not stand in the way of respondents 1 to 4 to effect transfer order against the petitioner and the fifth respondent on administrative grounds, if it is necessary..

7. With the above observation, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

28.01.2026

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No

lok



WEB COPY



W.P. No.18853 of 2024

M. DHANDAPANI, J.

lok

To

1.THE CHAIRMAN CUM MANAGING DIRECTOR,
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION
LIMITED, 144, ANNA SALAI, CHENNAI 600 002

2.THE CHIEF ENGINEER / PERSONNEL,
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION
LIMITED, 144, ANNA SALAI CHENNAI 600 002

3.THE SUPERINTENDING ENGINEER,
KADAMPARAI GENERATION CIRCLE, MINPARAI 642 101

4.THE SUPERINTENDING ENGINEER,
VIRUTHUNAGAR GENERATION CIRCLE, VIRUTHUNAGAR

W.P. No.18853 of 2024

28.01.2026