



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.12.2016

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.24374 of 2016 and

W.M.P.(MD) Nos.17609 & 17610 of 2016

N.Saravanakumar

... Petitioner

-vs-

1. THE MANAGING DIRECTOR
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC), 4TH FLOOR, C.M.D.A.TOWER-2,
GANDHI IRWIN BRIDGE ROAD,
EGMORE, CHENNAI-8.
2. THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.,
(TASMAC), SIPCOT INDUSTRIAL ESTATE,
KAPPALUR, MADURAI DT.
3. THE DISTRICT SECRETARY
TAMIL NADU TASMAC WORKERS UNION (AITUC)
21-A, ALAGARKOIL ROAD, AMBALAKARAR MANDABAM,
OUTPOST, MADURAI-625 002. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1st Respondent in Rc.No.R2/4424/2011 dated 20.06.2012 and quash the same.

For Petitioner : Mr.R.Balakrishnan

For R1 & R2 : Mr.M.Muniyasamy

For R3 : Mr.R.V.Rajkumar

O R D E R

This petition has been filed, seeking to quash the impugned order of the 1st respondent dated 20.06.2012 passed in Rc.No.R2/4424/2011, in and by which, the post of Bar Supervisor has been redesignated as Shop Supervisor, as both the designations are one and the same.

2. Learned counsel for the petitioner would submit that the petitioner and other similarly placed employees were initially appointed in the Shop and that they should not posted at Bar; that



they should be treated separately for the purpose of seniority and therefore, the impugned proceedings is arbitrary and is liable to be set aside.

3. On the contrary, learned counsel for the respondents 1 and 2 would contend that the proceedings impugned herein dated 20.06.2012 is only an interdepartmental communication, sent by the Managing Director to his Subordinates. Moreover, due to such re-designation of posts, namely, Bar Supervisor as Shop Supervisor and Bar Tender as Assistant Salesman, there will not be any reduction in salary nor the service benefits will be deprived of.

4. Heard the learned counsel on either side.

5. It appears that the impugned proceedings is only a communication occurred between the departments, whereby it was communicated regarding re-designation of the post of Bar Supervisor as Shop Supervisor and Bar Tender as Assistant Salesman. The decision has been taken with the sole intention of utilizing the Bar Supervisors in the place of Shop Supervisors, which cannot be faulted with. In addition, the respondents have clearly stated that the petitioner and other similarly placed persons will not get affected monetarily, pursuant to the said re-designation. Therefore, this Court is of the view that there is no merit in the writ petition and the same is liable to be dismissed.

6. In the result, this Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

ar
ms su mms 27 01 2017-SAR-I 2p 1c

W.P. (MD) No.24374 of 2016
20.12.2016