



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR****W.P.[MD].No.9816 of 2018****and****W.M.P(MD).Nos.9012 and 9013 of 2018**

P.Malaisamy

: Petitioner

Vs.

1. The Senior Regional Manager,
TASMAC, Madurai Region,
Office of the Senior Regional Manager,
Madurai District, Madurai.

2. The District Manager,
TASMAC, Madurai North,
Madurai.

3. Mr.U.Veeraiya,
Supervisor - [II],
TASMAC Retail Shop No.5453,
Madurai North, Madurai.

: Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records connected to the order of the first respondent in Na.Ka.No.731/2017/91, dated 18.04.2018, transferring the third respondent from the TASMAC Retail Shop No.5453 to TASMAC Retail Shop No.5448 as Supervisor and quash the same as illegal, consequently, directing the respondents to allow the petitioner to continue as Supervisor in TASMAC Retail Shop No.5448 with all attendant benefits.

For Petitioner

: Mr.S.Malaikani

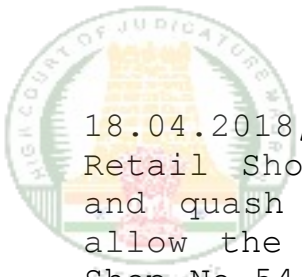
For Respondents 1&2

: Mr.H.Arumugam

Standing Counsel

O R D E R

The prayer in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus to call for the records connected to the order of the first respondent in Na.Ka.No.731/2017/91, dated



18.04.2018, transferring the third respondent from the TASMAC Retail Shop No.5453 to TASMAC Retail Shop No.5448 as Supervisor and quash the same and consequently, direct the respondents to allow the petitioner to continue as Supervisor in TASMAC Retail Shop No.5448 with all attendant benefits.

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2. Heard Mr.S.Malaikani, learned counsel appearing for the petitioner and Mr.H.Arumugam, learned Standing Counsel appearing for the respondents 1 and 2. Since no adverse order is going to be passed against the third respondent, notice to him is dispensed with.

3. By the impugned order dated 18.04.2018, the third respondent herein has been transferred as Supervisor from TASMAC Retail Shop No.5453 to TASMAC Retail Shop No.5448, where the petitioner is working as Supervisor. The further grievance of the petitioner is that the TASMAC Retail Shop No.5448 is located in a small village and the sale is very minimum and therefore, the said shop does not require two Supervisors and hence, transferring the third respondent from TASMAC Retail Shop No.5453 to TASMAC Retail Shop No.5448 is not required. In spite of the same, the said transfer order, which is impugned in this Writ Petition, has been passed and the same is under challenge at the instance of the petitioner.

4. When I specifically asked the learned counsel appearing for the petitioner that pursuant to the impugned order, whether the service of the petitioner was disturbed, he said "No". When a further question was posed as to whether the salary of the petitioner is paid to him regularly, the learned counsel, in the affirmative, said that the salary of the petitioner is paid regularly and he is permitted to continue in TASMAC Retail Shop No.5448, without any hindrance.

5. Since the service of the petitioner is not disturbed and he is permitted to work at TASMAC Retail Shop No.5448, where he is receiving salary regularly, this Court is of the view, *prima facie*, the petitioner would not have any grievance over the impugned order. If at all there is any grievance for the third respondent over the impugned order, he would have worked out his remedy in the manner known to law. Since he has not come forward before this Court challenging the order of transfer dated 18.04.2018, it can be presumed safely that he is also not aggrieved by the impugned order of transfer.

6. Be that as it may, insofar as the grievance of the petitioner is concerned, if at all he is disturbed from TASMAC Retail Shop No.5448, he may have some grievance against the impugned order. Admittedly, the petitioner is not disturbed, and therefore, there can be no grievance for the petitioner over the impugned order and thus, the said apprehension, based on which the



present Writ Petition has been filed, is baseless and hence, the challenge made by the petitioner against the impugned order fails. Accordingly, the Writ Petition deserved to be dismissed.

7. In the result, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Senior Regional Manager,
TASMAC, Madurai Region,
Office of the Senior Regional Manager,
Madurai District, Madurai.
2. The District Manager,
TASMAC, Madurai North,
Madurai.

+ 1 cc TO Mr.S.Malaikani , Advocate in SR No. 66737

NB

AE/SV/SAR1/13.06.2018/3P/4C

**ORDER MADE IN
W.P. [MD] .No.9816 of 2018
05.06.2018**