



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2018

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.9455 & 9456 of 2018

M.Palpandi
2018

...Petitioner in W.P(MD) No.9455 of

S.Velmurugan
2018

...Petitioner in W.P(MD) No.9456 of

Vs.

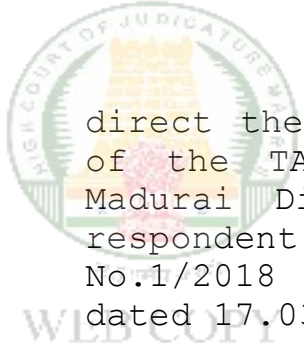
1) The Managing Director,
Tamil Nadu State Marketing
Corporation, (TASMAC)
4th Floor, CMDA Tower II,
Gandhi Irvin Bridge Road,
Egmore, Chennai 600 008

2) The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation, (TASMAC)
Madurai Region,
Plot No.100, Anna Nagar,
Madurai 600 020

3) The District Manager,
Tamil Nadu State Marketing
Corporation, (TASMAC)
Madurai South,
Kappalur, Madurai. ... Respondents in both the Writ Petitions

PRAYER in W.P(MD) No.9455 of 2018 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to post the petitioner as salesman in any of the TASMAC shop available within Thirupparangundram Taluk, Madurai District, in view of the circular issued by the 1st respondent in his proceedings in RC No.O-1/55/2018, circular No.1/2018 dated 02.01.2018 and by considering his representation dated 17.04.2018, within the period stipulated by this Court.

PRAYER in W.P(MD) No.9456 of 2018 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to



direct the respondents to post the petitioner as salesman in any of the TASMAC shop available within Thirupparangundram Taluk, Madurai District, in view of the circular issued by the 1st respondent in his proceedings in RC No.O-1/55/2018, circular No.1/2018 dated 02.01.2018 and by considering his representation dated 17.03.2018, within the period stipulated by this Court.

For Petitioners : Mr.N.Sathish Babu
(in both Writ Petitions)

For Respondents : Mr.H.Arumugam,
(in both Writ Petitions) Standing Counsel

C O M M O N O R D E R

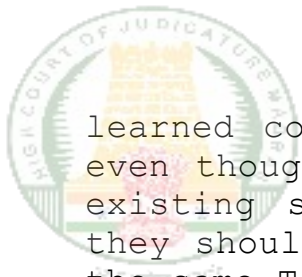
As the issue involved in both the Writ Petitions are one and the same, the cases are taken up for disposal by this Common Order.

2. The prayer sought for in these writ petitions are for the issuance of Writ of Mandamus, to direct the respondents to post the petitioners in W.P.(MD) Nos.9455 & 9456 of 2018 respectively, as salesmen in any of the TASMAC shops available within Thirupparangundram Taluk, Madurai District, in view of the circular issued by the 1st respondent in his proceedings in RC No.O-1/55/2018, circular No.1/2018 dated 02.01.2018 and by considering the petitioners' representation dated 17.04.2018 & 17.03.2018 respectively, within the period stipulated by this Court.

3. I have heard Mr.N.Sathish Babu, learned counsel appearing for the petitioners and Mr.H.Arumugam, learned standing counsel for TASMAC appearing for the respondents.

4. Learned counsel appearing for the petitioners would submit that, the petitioners in W.P.(MD) No.9455 of 2018 and W.P.(MD) No.9456 of 2018 have been transferred from the existing TASMAC shops from where they were working, to some other TASMAC shops. The petitioner in W.P.No.9455 of 2018 has been transferred from shop No.5316 to shop No. 5247 and the petitioner in W.P.No.9456 of 2018 has been transferred from TASMAC shop No.5266 to shop No.5315.

5. Even though both the shops in each of the cases are located in the adjacent Taluk, the grievance of the petitioners' is that, as per circular dated 02.01.2018, if at all any misconduct is found against the salesmen like the petitioners, accordingly and then, the salesmen can be posted in the shop, where average per day sales is the lowest in the Taluk. Therefore, relying upon the said instructions given in the circular, the



learned counsel appearing for the petitioners would submit that, even though the petitioners are liable to be transferred from the existing shops, they should not be posted beyond the Taluk and they should be posted in the lowest average per day sale shops in the same Taluk.

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6. By making the said submissions, the learned counsel appearing for the petitioners would submit that in this regard, even though the petitioners have been posted in the shop outside the Taluk, they preferred their representations/requests dated 17.04.2018 and 17.03.2018 respectively to the respondents for considering their transfer to the lowest sale average shops in the same Taluk following the circular.

7. Therefore, the learned counsel appearing for the petitioners would submit that, if a direction to that effect is issued to the respondents to consider the representations of the petitioners dated 17.04.2018 & 17.03.2018 respectively, and if an order to that effect is directed to be passed, the petitioners would be satisfied.

8. I have heard Mr.H.Arumugam, learned standing counsel appearing for the respondents who would submit that, the said representations given by the petitioners dated 17.04.2018 & 17.03.2018 respectively, would be considered by the respondents on merits and in accordance with law and order to that effect would be passed in both the cases, within the time frame, that may be fixed by this Court.

9. Considering the said submissions made by the counsel appearing on either sides, this Writ Petition is disposed of with the following direction:-

" the second respondent is directed to consider the representations of the petitioners dated 17.04.2018 (in W.P.(MD) No.9455 of 2018) & 17.03.2018 (in W.P.(MD) No.9456 of 2018) respectively, on merits and in accordance with law and to pass orders thereon, within a period of four weeks from the date of receipt of a copy of this order."

10. Since the petitioners have given their representations to the third respondent, a copy of this order shall be immediately forwarded to the second respondent by the respective petitioners, within a week's time and thereafter, the needful is directed to be undertaken by the second respondent within the said time. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CO)



Sub Assistant Registrar

1) The Managing Director,
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3) The District Manager,
Tamil Nadu State Marketing
Corporation, (TASMAC)
Madurai South,
Kappalur, Madurai.

+2cc to Mr.N.Sathish Babu, Advocate, SR.No.63784.
+1cc to Mr.H.Arumugam, Advocate, SR.No.63845.

Common Order in
W.P. (MD) No.9455 & 9456 of 2018
26.04.2018

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RAM/SV MMS/SAR 4/08.06.2018/4P/7C