

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.06.2019

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.NO.15857 OF 2019

AND

WMP NOS.15675 AND 15678 OF 2019

M.Ganesan

... Petitioner

vs.

1. The Managing Director,  
Tamil Nadu State Marketing  
Corporation (TASMAC),  
4<sup>th</sup> Floor, CMDA Tower-2  
Egmore-8
2. The Senior Regional Manager (SRM),  
Trichy.
3. The District Manager,  
Tamil Nadu State Marketing Corporation (TASMAC)  
Thiruvarur & District

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records from the third respondent pertaining to the impugned transfer in Na.Ka.5/2019/A5/dated 29.05.2019 in part/in respect of the petitioner (Sl.No.4) and quash the same and consequently direct the first respondent to conduct enquiry through the competent and unbiased officer on the representations given by the petitioner on various dates 20.09.2018, 28.01.2019, 25.02.2019, 30.04.2019 and 01.06.2019 and to take necessary action against the defaulters.

For Petitioner ..

Mr.P.Vijendran

For Respondents ...

Mr.P.Arumugarajan  
for R1 to R3

ORDER

This writ petition is filed seeking to call for the records from the 3<sup>rd</sup> respondent pertaining to the impugned

transfer order dated 29.05.2019, in respect of the petitioner (Sl.No.4) and to quash the same and consequently direct the first respondent to conduct proper enquiry through an unbiased officer on the representations of the petitioner dated viz., 20.09.2018, 28.01.2019, 25.02.2019, 30.04.2019 and 01.06.2019 and also direct him to take necessary action against the defaulters.

2.The petitioner is a B.Sc.,(Physics) graduate. He has been appointed as Supervisor of the TASMAC, after being sponsored by the District Employment Office, Thiruvavarur and posted in Shop No.9791 at Manali, Thiruvavarur District. The petitioner belongs to Scheduled Caste, Devendara Kula Vellalar Community. It is the case of the petitioner that to redress the grievance of the TASMAC employees Anna Trade Union was created and he was selected as Treasurer of Thiruvavarur District Anna Trade Union for TASMAC and one Mr.P.Raja was selected as Secretary of the said Trade Union. Enraged by the posting of the petitioner as Treasurer in the Thiruvavarur District Anna Trade Union, it is the case of the petitioner that the said P.Raja, has been creating unnecessary problems and he acted as informant to the officials for several surprise inspections being conducted in the shops where the petitioner was working. In this regard the petitioner and some other employees have given representations to the 3<sup>rd</sup> respondent seeking action against the said P.Raja. However, the officials are taking action only against the petitioner citing several Circulars, but the same has not been followed in the case of P.Raja, is the allegation made by the petitioner. It is the allegation of the petitioner that the third respondent has been acting to the tunes of the said Raja. Finally, the petitioner alleges that a special flying squad headed by the Sub-Collector, functioning under the control of Senior Regional Manager, Trichy, has conducted a surprise inspection at Shop No.9640 and without verifying the actual stocks, he obtained the signature of one of the salesmen in some blank Forms, even though the same was objected to by the petitioner. Based on the inspection report sent by him to the second respondent, which was forwarded to the third respondent, who was acting in a biased manner against the petitioner, the impugned transfer order dated 29.06.2019 came to be issued, transferring the petitioner to Muthupettai. Challenging the said transfer order, the petitioner is before this Court with this writ petition.

3.The learned counsel for the petitioner submitted that though the petitioner has made several representations to the authorities concerned seeking proper enquiry by an unbiased officer, till date no action has been taken on the said representations and without passing any orders on the representations of the petitioner and without taking into

consideration the grievance expressed by the petitioner, the third respondent passed the impugned transfer order dated 29.05.2019. Therefore, the learned counsel would implore that a proper direction be given to the first respondent to dispose of the representations of the petitioner.

4. When the matter is taken up for hearing, the learned counsel for the respondents would submit that a direction may be issued to the respondents to consider and pass orders on the representations said to have been submitted by the petitioner.

5. Since the third respondent had passed the impugned transfer order in Na.Ka.5/2019/A5, dated 29.05.2019, without considering the representations made by the petitioner, the writ petition is disposed of with a direction to the first respondent or any other competent authority to consider and dispose of the representations of the petitioner dated 20.09.2018, 28.01.2019, 25.02.2019, 30.04.2019 and 01.06.2019, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, it is directed that the impugned transfer order bearing Na.Ka.5/2019/A5, dated 29.05.2019, passed by the third respondent, shall not be acted upon in so far as the petitioner is concerned (Serial No.4). No costs. Connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Managing Director,  
Tamil Nadu State Marketing  
Corporation(TASMAC),  
4<sup>th</sup> Floor, CMDA Tower-2  
Egmore-8
2. The Senior Regional Manager (SRM),  
Trichy.

3. The District Manager,  
Tamil Nadu State Marketing Corporation (TASMAC)  
Thiruvarur & District

+1cc to Mr.P.Vijendran, Advocate, S.R.No.46449

W.P.No.15857 of 2019

NRJK (CO)  
CS/12/06/2019



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