



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.072019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No. 4502 of 2015

and

M.P. (MD) .No.1 of 2015

S.Kumar

... Petitioner

Vs.

The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Sivagangai, Sivagangai District.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the respondent in Na.Ka.No.V2/407/2015, dated 18.03.2015 and quash the same is illegal and consequently directing the respondent herein to permit the petitioner to retain in the shop No.7527 as Shop Supervisor.

For Petitioner : Mr.S.M.Mohan Gandhi
For Respondent : Mr.H.Arumugam

ORDER

The impugned order of transfer transferring the writ petitioner from one Shop to another Shop in Sivagangai District, is under challenge in the present writ petition.

2.The writ petitioner was holding the post of Shop Supervisor on consolidated pay under the respondent/Corporation. The writ petitioner was posted at Devakottai and thereafter, transferred to Karaikudi in Shop No.7527. During the inspection, the authorities found certain lapses on the part of the writ petitioner and the impugned order states that the liquor was sold in excess price and the Board was not placed in the shop and all these lapses were identified and consequently, the writ petitioner was transferred to a Shop having lesser sales and challenging the said order, the present writ petition is filed.

3.It is pertinent to note that the writ petitioner was transferred from Shop No.7527 to Shop No.7724, which is situated in the same place and nearby area.

4.This Court is unable to understand as to why the Supervisors are very much specific in the particular TASMAC shop, such an attitude can never be encouraged by the Court. Place or post can never be claimed as a matter of choice. The writ petitioner is posted as Supervisor in TASMAC Shop. Therefore, he has to work wherever he is posted. The transfer has not affected even his normal



life in that locality, he has transferred from one shop to another shop situated very nearby area. This being the factum, now after this length of time, no further adjudication is required in the present writ petition.

5. In view of the observation, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To
The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Sivagangai, Sivagangai District.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-72416[F] dated 01/07/2019)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-73066[F] dated 03/07/2019)

W.P. (MD) No. 4502 of 2015
and
M.P. (MD) .No. 1 of 2015
01.07.2019

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KK/SAR/16.07.2019/2P-4C

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