

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.NOS.14605 AND 14606 OF 2020

AND

W.P.M.P.NOS.18108 TO 18111 OF 2020

K.Selvaraj

...Petitioner
in W.P.No.14605 of 2020

R.Vinoth Kumar

...Petitioner
in W.P.No.14606 of 2020

Versus

The District Manager/Sub Collector,
Tasmac Limited,
Thiruvallur East District.

... Respondent
in W.P.No.14605 of 2020

The Sub Collector/ District Manager,
Tasmac Limited,
Thiruvallur West District.

... Respondent
in W.P.No.14606 of 2020

Common Prayer:

Writ Petitions filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records on the file of the respondent in Ref செ.மு.க.எண்.அ1/0299/2020 நாள் 21.09.2020 and Ref செ.மு.க.எண்.அ2/001/2020/7 நாள் 18.09.2020 and quash the same.

For Petitioners : Mr.D.Bharathy
in both W.Ps

For Respondents : Mr.K.Sathish Kumar
Standing Counsel
in both W.Ps

C O M M O N O R D E R

Mr.K.Sathish Kumar, learned Standing counsel takes notice for the respondents. By consent of both the parties, these writ petitions are taken up for final disposal at the admission stage itself.

2. The prayer sought for in these writ petitions is for a issuance of writ of certiorari to quash the impugned transfer orders of the respondent vide proceedings dated 21.09.2020 and 18.09.2020, respectively.

3. It is submitted by the learned Standing Counsel appearing for the respondents that the issue involved in these writ petitions are squarely covered by the order passed by this Court in a batch of writ petitions in W.P.No.905 of 2020 etc., dated 08.10.2020, which reads as follows:

"...7. This Court is unable to comprehend as to how these transfer orders can be successfully questioned by these petitioners. All that the Corporation has done is to relocate the petitioners to a different Shop /Outlet or a Depot in the interest of overall administration of the Corporation in order to minimise the effect of frequent malpractices indulged in by the vast majority of the employees. Such initiative by the Corporation and resorting to the present transfers cannot be assailed as being punitive in nature, calling for interference with the orders. In fact, this Court is of the view that the Corporation has been treating these violators with needless leniency and relocating them only to a nearby Shop or Depot within the same region. Therefore, the petitioners cannot have any cause for complaint at all against the impugned action of the Corporation. Further, the petitioners who were found to have violated the M.R.P., norms and made illegal revenue out of it cannot have any legitimate cause for approaching this Court questioning the transfer orders. It is always open to the respondent TASMAG to take effective initiative in order to infuse discipline among its employees and prevent them from the recurring acts of malpractices. Confronted with large scale acts of misconduct by the employees across the State, the minimum deterrent action the Corporation could take is the transfer of the employees concerned as a warning preceding a impending serious action. If such deterrent action is to be interfered by this Court, it could only lead to proliferation of malpractices undermining public interest at large. Such mass transfers in public interest with a view to arrest the repeated subversion of discipline by the vast majority of the employees ought not to be interfered with as being punitive. On the other hand, such transfers are impelled by

administrative necessity to bring about a semblance of orderliness in the affairs of the Corporation vis-a-vis its employees.

8. Therefore, this Court considers that all these writ petitions are devoid of merits and hence the same are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed."

4. In the light of the above submissions made by the learned Standing Counsel appearing for the respondents, this Court is of the considered opinion that the order passed in the above writ petition is squarely applicable to the facts of the present case also. Hence, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Manager/Sub Collector,
Tasmac Limited,
Thiruvallur East District.
2. The Sub Collector/ District Manager,
Tasmac Limited,
Thiruvallur West District.

सत्यमेव जयते

W.P.Nos.14605 and 14606 of 2020
and
W.P.M.P.Nos.18108 to 18111 of 2020

BR(CO)
CS/06/11/2020

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