

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.15306 of 2020 and
W.M.P.No.19138 of 2020

A.Thangaraj

...Petitioner

Versus

1. The Senior Regional Manager,
Chennai Region,
Tamil Nadu State Marketing Corporation Limited, (TASMAC),
No.735, IV Floor,
L.L.A Building, Anna Salai,
Chennai 600 002.
2. The District Manager,
Kancheepuram-South,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Orikkai,
Kancheepuram District 631 502.

...Respondents

PRAYER : petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to all for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.1590/A1/2020 dated 11.09.2020 and quash the same as illegal, arbitrary and violation of the principles of natural justice.

For Petitioner : Mr.M.Vijayaragavan
For Respondents : Mr.Sathish Kumar, SC

ORDER

This writ petition has been filed to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.1590/A1/2020 dated 11.09.2020 and quash the same as illegal, arbitrary and violation of the principles of natural justice.

2. The learned counsel for the petitioner submitted that the order passed by this Court in identical cases in W.P.No.905 of 2020 etc., batch, dated 08.10.2020, holds good for this writ petition also.

3.The operative portion of the order passed in W.P.No.905 of 2020 etc., batch, dated 08.10.2020 is extracted hereunder;

"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 TASMAL 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 view of the above, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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CP(CO)
RV(30/11/2020)



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