

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.12.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.16925 of 2020
and
W.M.P.No.21003 of 2020

N.Rangadurai

...Petitioner

-Vs-

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC)
Trichy.

2.The Deputy Collector/District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Villupuram. ...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records and quash the proceedings passed by the 2nd respondent in Na.Ka.No.A1/2313/415/2020 dated 14.09.2020, transferring the petitioner from TASMAC Shop No.11451 to TASMAC Shop No.11415 at Tindivanam on the ground that petitioner's explanation dated 05.02.2020 was not considered and disposed prior to passing the impugned order by the 2nd respondent.

For Petitioner : Mr.S.P.Arthi

For Respondent : Mr.K.Sathish Kumar, SC

ORDER

सत्यमेव जयते

The Writ Petition is filed for the following prayer;

"to call for the records and quash the proceedings passed by the 2nd respondent in Na.Ka.No.A1/2313/415/2020 dated 14.09.2020, transferring the petitioner from TASMAC Shop No.11451 to TASMAC Shop No.11415 at Tindivanam on the ground that petitioner's explanation dated 05.02.2020 was not considered and disposed prior to passing the impugned order by the 2nd respondent."

2.The learned counsel for the petitioner submits 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 TASMAC 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 (CS)

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Sub Assistant Registrar

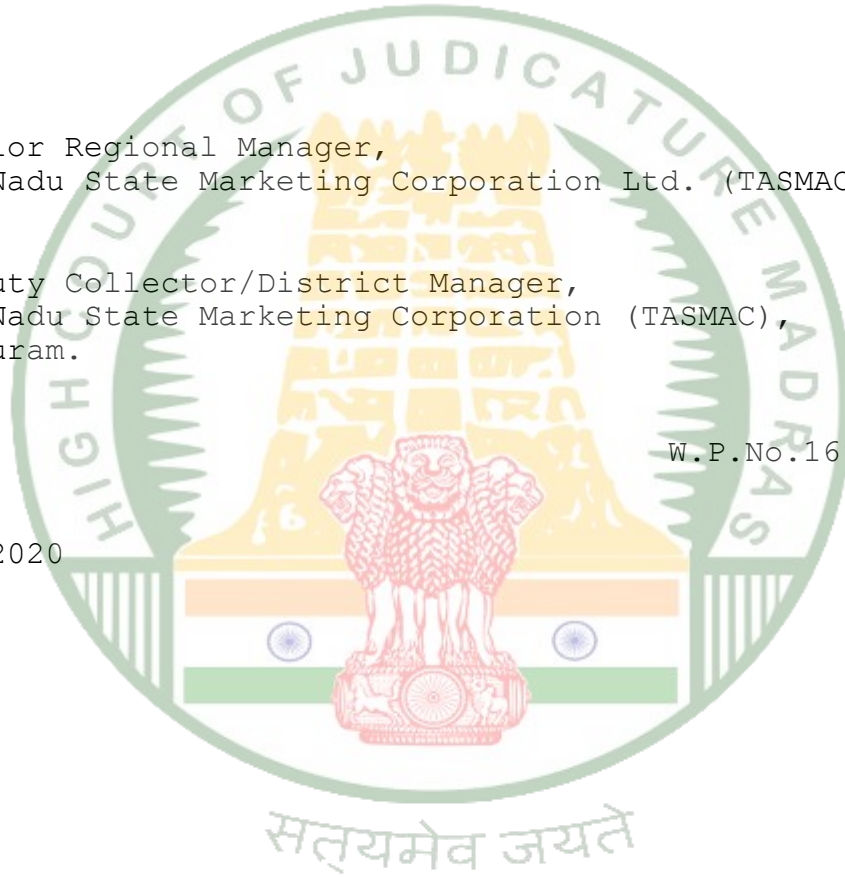
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To

- 1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC)
Trichy.
- 2.The Deputy Collector/District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Villupuram.

W.P.No.16925 of 2020

VG [CO]
RR 19/12/2020



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