



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.10.2020**

CORAM:

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

WP (MD) No.14369 of 2020

and

WMP (MD) Nos.12016 & 12017 of 2020

S.Alagarsamy

... Petitioner

Vs

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation,
Madurai.

2.The District Manager,
Tamil Nadu State Marketing Corporation,
Tirunelveli,
Tirunelveli District.

3.Vellaichamy

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of Constitution of India, for issuance of Writ of Certiorari, to call for the records of the impugned order of the 2nd respondent in his proceedings No. Na.Ka.No.R1/1563/2020, dated 22.09.2020 quash the same.

For Petitioner : Mr.A.Srinivasan

For R1 & R2 : Mr.B.Jameel Arasu
Standing Counsel

ORDER

Challenging the impugned order passed by the 2nd respondent in proceedings No.Na.Ka.No.R1/1563/2020, dated 22.09.2020, the present writ petition has been filed.

2.The grievance of the petitioner is that he is working as Supervisor in shop No.10864 situated at Karivalamvanthanallur, Tenkasi District. The 2nd respondent, by his proceedings dated 22.09.2020, transferred the 3rd respondent to the said shop as an additional salesman without considering the fact that there is no existing vacancy in the said shop. The main grievance of the petitioner is that already he is supervising six salesmen, who are



working under him and now the 3rd respondent is the 7th person and that the petitioner expresses his difficulty in managing them.

3. On the other hand, the learned standing counsel appearing for the respondents 1 and 2 would submit that the 3rd respondent has joined duty in the shop No.10864, where, the petitioner is working as Supervisor.

4. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents 1 and 2.

5. In the service jurisprudence, if any employee's right is affected by virtue of the service condition, only under those circumstances, the persons, whose rights are affected, can be invoked under Article 226 of the Constitution of India, whereas, in the present case, I do not find any of the rights affected by virtue of the transfer of the 3rd respondent to the shop No.10864, where, the petitioner is working as Supervisor. It is the duty of the petitioner to supervise the 3rd respondent and he cannot file the writ petition expressing his difficulty to supervise the 3rd respondent in addition to the six persons, who are already working as salesmen in the shop No.10864. Thus, the writ petition is not maintainable.

6. With the above observations, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation,
Madurai.



2.The District Manager,
Tamil Nadu State Marketing Corporation,
Tirunelveli,
Tirunelveli District.

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W.P. [MD] No.14369 of 2020

14.10.2020

VR(CO)
NR (04/11/2020) 3P : 3C