



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. [MD]No.14273 of 2020

and

W.M.P. (MD)No.11930 and 11932 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.M.Jaiganesh

... 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 second respondent in his proceedings Na.Ka.No.A1/146/2020, dated 17.06.2020 quash the same.

For Petitioner : Mr.A.Srinivasan

For R-1 and R-2 : Mr.B.Jameelarasu
Standing Counsel

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed challenging the transfer order passed by the second respondent, by virtue of transferring the third respondent to the petitioner's Shop No.10864 situated at Karivalamvanthanallur, Thenkasi District.



3.It is the grievance of the petitioner is that the second respondent has already punished the third respondent twice. Therefore, the third respondent transferred to the above said shop as punishment from the Office of the second respondent. Previously, the third respondent was working in another shop as punishment and thereafter, he was transferred to the second respondent. Now, he was transferred to the Shop No.10864. The main grievance of the petitioner is that already he is supervising six sales men, who are working under him and the third respondent is the seventh person. Therefore, he express his difficulty in managing them.

4.Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents.

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 third respondent to the above said shop. It is the duty of the petitioner to supervise the third respondent and he cannot file the writ petition expressing his difficulty to supervise the seventh person in addition six persons already working as sales men. Thus this writ petition is not maintainable.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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.

+1 CC to M/s.A. SRINIVASAN, Advocate (SR-20065[F] dated
14/10/2020)

W.P. [MD]No.14273 of 2020
13.10.2020

PU(CO)
TR(06.11.2020) 3P 4C