



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

WEB COPY

Writ Petition (MD)No.27375 of 2019

P.Arumugam

... Petitioner

Vs.

1.The Senior Zonal Manager,
Tamil Nadu State Marketing Corporation Limited,
Tiruhirapalli Division,
Trichy.

2. The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the first respondent in his proceedings in Na.Ka.No.14/2019(A), dated 16.12.2019, in respect of the petitioner (Serial No.1) and quash the same.

For Petitioner	: Mr.M.Jothibas
For Respondents	: Mr.H.Arumugam
	Standing counsel for TASM

O R D E R

This writ petition has been filed challenging the impugned order passed by the first respondent in Na.Ka.No.14/2019(A), dated 16.12.2019 and quash the same.

2. The main contention of the petitioner is that by virtue of the impugned order, the petitioner was transferred to Shop No.4955, as a punishment. For selling the liquor bottle for more than Rs.10/-, the second respondent has imposed the fine amount and he has also collected the said fine amount. The learned counsel for the petitioner submitted that as a punishment, they cannot transfer the petitioner to some other shop and for the same offence, one person cannot be punished for two times. Therefore, the petitioner has filed the present writ petition to quash the impugned order.

3. Mr.H.Arumugam, learned Standing counsel appearing for the respondents submitted that as per the Circular of the Managing Director, TASM, Chennai, in Na.Ka.No.R-2/14589/2018, dated 21.01.2019, if MRP violation is found even for first time for Rs.10



to Rs.19, the Salesman and the Supervisor, who indulged in such act will be transferred for a Shop having less sales. He further submitted that the person, who committed a guilt, as a matter of right, cannot come before this Court and challenge the order of transfer and to maintain the discipline and for better administration only the petitioner was transferred. Therefore, there is no merit in the writ petition and the same is liable to be dismissed.

4. Heard the learned counsel for the petitioner, the learned Standing counsel appearing for the respondents and perused the materials available on record.

5. On perusal of the Circular dated 21.01.2019, it appears that in case, if anybody's selling the liquor bottles for more than the M.R.P., the respondents can impose a fine along with G.S.T., and in addition to that, they can also transfer. Admittedly, the Circular is not under challenge before this Court. However, on perusal of the impugned order, it appears that this is the instruction given by the first respondent to the second respondent to issue the transfer order to the petitioner along with others. The said copy was served along with the transfer order. But the transfer order was not challenged before this Court. The impugned order is only the permission granted to the District Manager for transfer. As per the Circular, the respondents got the power to pass the transfer order, in case, if anybody's involved in the malpractices, in addition to the penalties imposed by them. In the present case, the petitioner is involved in those malpractices and the Supervisor had paid the fine amount also. Such being the position, it is the duty of the respondents to maintain discipline among the workers/employees and for the peaceful administration, they have to transfer these type of employees, those who are involved in the malpractices and transfer is not a punishment in the present case. Therefore, this Court do not find any merit in the present writ petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Senior Zonal Manager,
Tamil Nadu State Marketing Corporation Limited,
Tiruhirapalli Division,
Trichy.

2. The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Karur District.

+1cc to Mr.H.Arumugam, advocate Sr.No.26297
+1cc to M/s. G.M.Law Office, Sr.No.26112

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VB (06.01.2021) 3P 5C