



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2548 of 2021

and

W.M.P.Nos.2892 & 2893 of 2021

R.Ravi

.. Petitioner

-vs-

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

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Erode.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in Ref.ந.க.எண்/670/2018/அ1 நாள் 27.01.2020 and quash the same and consequently direct the 1st respondent to transfer the petitioner Shop No.3534 and post in the Shop No.3809.

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.K.Sathish Kumar

O R D E R

The petitioner has come up with this writ petition challenging the order passed by the first respondent in Ref.ந.க.எண்/670/2018/அ1 dated 27.01.2020 and for a consequential direction to the first respondent to transfer the petitioner from Shop No.3534 and post in the Shop No.3809.

2. Mr.K.Sathish Kumar, learned counsel takes notice on behalf of the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.



3. According to the petitioner, he had suffered a fracture and he was unable to travel and hence requested for transfer. The first respondent by order dated 27.01.2020 had posted the petitioner in Shop No.3534 instead of posting him in Shop No.3809. The post in Shop No.3809 was kept vacant. One Mr.Subramani has been posted recently and the said Subramani was facing lots of charges including defalcation of funds. According to the petitioner, the posting of Subramani is unwarranted and the petitioner should have been posted in that Shop No.3809, as he is unable to travel long distance due to injury as referred supra.

4. The petitioner was originally employed in Shop No.3407 and he made a request for transferring him to Shop No.3809, but for the administrative reasons known to the respondents, he has been posted at Shop No.3534 instead of 3809. Merely because one other person is posted and that person is facing charges cannot be a ground for the petitioner to seek transfer in the said place. Firstly, Subramani has not been made as a party. That apart it is an administrative decision of the respondents and it may be open to the respondents to initiate departmental or Criminal action against the said Subramani, if he is found to have involved in misappropriation or defalcation of funds. At the same time, pendency of charges against the said Subramani is not a ground for the petitioner to seek the indulgence of this Court to interfere with the order of transfer and direct the respondents to post him in Shop No.3809. For the above observation, this Court does not want to interfere with the decision taken on the administrative side in respect of the transfer of the petitioner.

5. In the result, finding no merits in the writ petition, the same is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi



To

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

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Erode.

W.P.No.2548 of 2021
and
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JPL (CO)
PR (22/07/2021)