

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :23.04.2021

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ
W.P.No.3395 of 2021

N.R.Manoharan

..Petitioner

Vs.

1.Tamil Nadu State Marketing Corporation Limited
Rep. By its Senior Regional Manager
Trichy Region
Old Collector Office Complex
Trichirapali

2. District Manager
Tamil Nadu State Marketing Corporation Limited
Chennai Main Road
Villupuram 605 602

3. R.Kumar
Supervisor
Tamil Nadu State Marketing Corporation Limited
Shop No.11793, Krishnapuram
Gingee Taluk
Villupuram District

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus after calling for the concerned records from the 1st and 2nd respondent, quash the order of the 1st respondent dated 09.11.2020 bearing Na.Ka.No.450/2020(A1) in so far as transferring the 3rd respondent to Shop No.11793 as Supervisor and the order of the 2nd respondent dated 16.11.2020 bearing Na.Ka.No.A1/793/2020 as illegal, arbitrary and contrary to law and consequently direct the respondent No.1 and 2 to retain the petitioner as Supervisor in the Shop No.11793, Krishnapuram, Gingee Taluk, Villupuram District.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.K.Sathisk Kumar for R1 and R2
No appearance for R3

ORDER

The writ petition has been filed by the petitioner challenging the transfer order issued to the third respondent.

2. On the face of it, the petitioner cannot have any grievance against the transfer order issued to some other

individual. Therefore, there is no locus standi to challenge the order issued to the third respondent.

3. However, this court has seized of the matter and passed an order on 18.02.2021, wherein, it is observed that the interim stay is not granted and further orders cannot be passed without hearing the respondents. It is further observed that no disciplinary action shall be taken against the petitioner. Thus the impugned order brought to the judicial notice of this Court.

4. On the face of it, malafide writ large in passing the impugned order dated 16.11.2020. The transfer order has been passed on the recommendation of the Minister and not on administrative grounds or as general transfer. Such an order is not sustainable in law and it needs to be quashed.

5. In view of the above discussion, this writ petition stands dismissed with directions. The transfer order issued in favour of the third respondent in Na.Ka.No.A1/793/2020 dated 16.11.2020, is hereby set aside. The second respondent is directed to pass fresh orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. Senior Regional Manager
Tamil Nadu State Marketing Corporation Limited
Trichy Region
Old Collector Office Complex
Trichirapali

2. District Manager
Tamil Nadu State Marketing Corporation Limited
Chennai Main Road
Villupuram 605 602

+1cc to Mr.Balan Haridas,Advocate SR.No. 25643

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PCH(CO)
A.SK(12.07.2021).