



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)Nos.4724 and 4726 of 2020

and

W.M.P(MD)Nos.3523,3525,4101 and 4098 of 2020

WEB COPY

R.Sethu : Petitioner in W.P(MD)No.4724 of 2020

S.Nagarajan : Petitioner in W.P(MD)No.4726 of 2020

Vs.

1.The Managing Director,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
4th Floor, CMDA Towers,
Gandhi Irwin Bridge Road,
Egmore, Chennai.

2.The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
100, Anna Nager,
Madurai - 625 020.

3.The District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Madurai South,
Kappalur,
Madurai District.

: Respondents in both Writ petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records pertaining to the impugned order in Na.Ka.No.28/2020/A1, dated 14.02.2020 on the file of the respondent No.2 and quash the same as illegal.

For Petitioners : Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy

For Respondents : Mr.H.Arumugam
No.1 in both Wps

COMMON ORDER

These writ petitions are filed as against the order of the second respondent in Na.Ka.No.28/2020/A1, dated 14.02.2020, by which the petitioners were transferred to other places.



2.Since the impugned order in both these writ petitions is one and the same, these writ petitions are disposed of by this common order.

3.The petitioners are working as Supervisors under the third respondent Corporation from the year 2013. By the orders impugned in these writ petitions, the petitioners were transferred from Shop No.5306 to 5512 and from Shop No.5437 to 5298 respectively. Challenging, the said transfers, the petitioners are before this Court.

4.This Court while entertaining the writ petitions on 06.03.2021 has granted an order of *status quo*.

5.The learned Counsel for the petitioners submitted that based on the request of the petitioners, they were transferred and posted in the present TASMAL shops. While so, the second respondent by the orders impugned cancelled their transfer and posted them to their erstwhile places based on a circular, dated 10.01.2020.

6.Mr.H.Arumugam, learned Standing Counsel for the respondents submitted that these petitioners made a request for transfer from Shop No.5306, Peraiyur Taluk, Madurai to Shop No. 5512, Thirupparankundram Taluk, Madurai and from Shop No.5437, Koodakovil, Thirumangalam Taluk to Shop No.5298, Thirupparankundram, Madurai respectively. The order of transfer was passed on 11.01.2020. In view of the circular dated 13.01.2020, the impugned orders came to be passed to set right things went wrong. However, in order to avoid confusion and discrimination among other shop personnel, the transfer orders have been recalled and this respondent has already prepared the list of shop personnel within Madurai South District and prepared to make an order of transfer considering the request of transfer from the shop personnel.

7.The learned Counsel would further submit that there are about 209 persons working as shop personnel as Supervisor. All are interested to make a request for transfer. Once such requests are received, a fresh list will be prepared and thereafter, appropriate transfer orders would be passed. Therefore, the right of the petitioners would in no way be affected and their requests would also be considered along with others.

8.The learned Counsel would further submit that totally there are seven similar writ petitions filed before this Court in W.P(MD) Nos.4724, 4726, 5278, 5279, 5568, 5974 and 8533 of 2020 and in view of the pendency of these writ petitions, the entire vacancy post of Supervisor/ Salesman within Madurai South is kept pending.

9.Heard the learned Counsel on either side.



10.It is seen that the petitioners were initially transferred to the present places based on their request and subsequently, their transfers have been recalled in view of the circular dated 13.01.2020, by the orders impugned herein. According to the learned Counsel for the TASMAC, they have a proposal of preparing a seniority list of Supervisors and thereafter, the transfers would be effected depending on the request. Considering the stand taken by the respondents, these writ petitions are disposed of with a direction to the respondents to complete the said process within a period of six months from the date of receipt of a copy of this order and till then, the petitioners shall not be disturbed from their present work place. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

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.

To

- 1.The Managing Director,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
4th Floor, CMDA Towers,
Gandhi Irwin Bridge Road,
Egmore,
Chennai.
- 2.The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
100, Anna Nager,
Madurai - 625 020.



3.The District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Madurai South,
Kappalur,
Madurai District.

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-34184[F] dated 11/11/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-34127[F] dated 11/11/2021)

W.P(MD)Nos.4724 and 4726 of 2020
10.11.2021

RK(02/12/2021) 4P 6C