



WEB COPY

W.P(MD)No.5568 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.5568 of 2020

and

WMPMD) No.4878 of 2020

S. Mariraj

... Petitioner

versus

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)

No.100, Anna Nagar

Madurai-20

3.The District Manager

Tamil Nadu State Marketing Corporation Limited(TASMAC)

Madurai South, Kappalur,

Madurai District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned order in Na. Ka. No.28/2020/A1 dated 14.12.2020 on the file of the second respondent and quash the same as illegal, so far as the petitioner is concerned.

For Petitioner : Mr.B.Arun

For Respondents : Mr.H.Arumugam

Government Advocate

ORDER

The writ petition is filed as against the order of the second respondent in Na.Ka.No.28/2020/A1, dated 14.02.2020, by which the petitioner was transferred to other place.

2.The petitioner is working as Supervisor under the third respondent Corporation from the year 2003. By the order impugned in the writ petition, the petitioner was transferred from Shop No.5332 to Shop No.5168. Challenging, the said transfer, the petitioner is



before this Court.

3.The learned Counsel for the petitioner submitted that based on the request of the petitioner, the petitioner was transferred and posted in the present TASMACH shop. While so, the second respondent by the order impugned cancelled the transfer and posted him to the erstwhile place based on a circular, dated 10.01.2020.

4.Mr.H.Arumugam, learned Standing Counsel for the respondents submitted that the petitioner made a request for transfer from Shop No.5332, Avaniyapuram, Madurai District to Shop No.5168, Vilangudi, Madurai District. The order of transfer was passed on 22.01.2020. In view of the circular dated 10.01.2020, the impugned order came to be passed to set right things, which went wrong. However, in order to avoid confusion and discrimination among other shop personnel, the transfer order has 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.

5.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 petitioner would in no way be affected and his request would also be considered along with others.

6.The learned Counsel would further submit that totally there are seven similar writ petitions filed before this Court and in view of the pendency of these writ petitions, the entire vacancy post of Supervisor/ Salesman within Madurai South is kept pending.

7.Heard the learned Counsel on either side.

8.It is seen that the petitioner was initially transferred to the present place based on his request and subsequently, the transfer has been recalled in view of the circular dated 10.01.2020, by the order impugned herein. According to the learned Counsel for the TASMACH, 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 respondent, this writ petition is 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 petitioner shall not be disturbed from his present work place. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

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Madurai South, Kappalur,
Madurai District.

+1 CC to M/s.B.ARUN, Advocate (SR-34493[F] dated 15/11/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-34523[F] dated 15/11/2021)

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RS (02.12.2021) 3P 6C