



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)Nos.11653 & 11665 of 2021

and

W.M.P. (MD)Nos.9169, 9176 & 9177 of 2021

N.Ganesan

... Petitioner in
W.P. (MD)No.11653/2021

Kalimuthu

... Petitioner in
W.P. (MD)No.11665/2021

Vs.

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
No.100, Annanagar, Madurai.

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

(in both writ Petition)

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order issued by the 2nd respondent in his proceedings in Na.Ka.No.006/2020/A-2 dated 05.07.2021 and quash the same.

For Petitioners : Mr.T.Manikandan
(In Both W.Ps)
For Respondents : Mr.H.Arumugam,
(In both W.Ps) Standing Counsel

COMMON ORDER

These Writ Petitions have been filed challenging the impugned transfer order dated 05.07.2021, passed by the Second respondent.

2. According to the petitioners, they were appointed as Supervisor and Salesman respectively in the respondents Corporation. Due to political rivalry, the second respondent has passed the impugned order, transferring the petitioners from Kallimanthayam, Dindigul District to TASMCA storage Godown, situated at Head office of TASMCA at Dindigul. Due to the impugned transfer order, they have to travel 40 kms daily. Challenging the said order, the present Writ Petitions have been filed.

3. The learned counsel appearing for the petitioners would submit that the impugned order has been passed with *mala fide* intentions and hence, the same is liable to be set aside.



4. Learned Standing Counsel appearing for the respondents would submit that only for the administrative reasons, the second respondent has passed the impugned transfer order. Therefore, the impugned order does not call for any interference.

5. I have anxiously considered the rival submissions and also perused the materials available on record.

6. In ***State of U.P and Ors. Vs. Siya Ram and Ors. reported in (2004) 7 SCC 405***, the Hon'ble Supreme Court held that no Government Servant or employee of a public undertaking has any legal right to be posted forever at any one particular place or place of his choice since transfer of a particular employee appointed to the class or category of transferable posts from one place to other is not only an incident, but a condition of service, necessary too in public interest and efficiently in the public administration. Unless an order of transfer is shown to be an outcome of *mala fide* exercise or stated to be in violation of statutory provisions prohibiting any such transfer, the Courts or the Tribunals normally cannot interfere with such orders as a matter of routine, as though they were the appellate authorities substituting their own decision for that of the employer/management, as against such orders passed in the interest of administrative exigencies of the service concerned.

7. In view of the above judgment, even though the petitioners have stated that they were transferred faraway from the present place, the reason as stated by the petitioners for interfering the transfer order cannot be accepted by this Court and no materials have been placed to show that the impugned order has been passed on malafide intention and therefore, the said contention is liable to be rejected. However, to redress their grievances, they can be make a request to the respondents Corporation. If any such representation is made, the respondents are directed to consider it and pass appropriate orders.

8. These Writ Petitions are disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

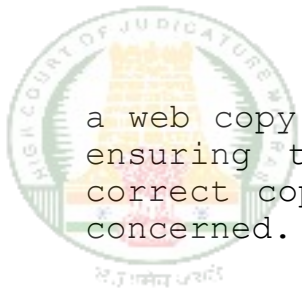
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/ /2021

Sub Assistant Registrar(CS)

vsm

Note : In view of the present lock down owing to COVID-19 pandemic,
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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.

WEB COPY

To
1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
No.100, Annanagar, Madurai.

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

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-26664[F] dated 18/08/2021)
W.P(MD)Nos.11653 & 11665 of 2021
and
W.M.P. (MD)Nos.9169, 9176 & 9177 of 2021
17.08.2021

RD(7.09.2021) 3P 4C