



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.2589 of 2022
and WMP.No.2724 of 2022

C.R.Tamilselvan

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC)
Head Office CMDA Tower - II,
IV Floor, Gandhi Irwin Road,
Egmore, Chennai-600008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC)
Salem Region, Salem -1 6.

3.The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC)
Namakkal District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned Transfer order passed by the 2nd respondent in Se. Mu. No. 380 / 2021 / A dated 03.01.2022 and quash the same.

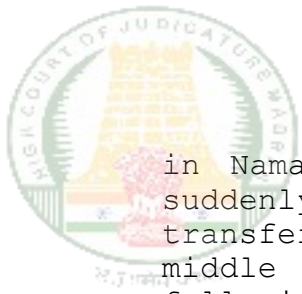
For Petitioner : Mr.P.Vimal Raj

For Respondents : Mr.Sathish Kumar, Standing Counsel

O R D E R

Challenging the impugned transfer order passed by the 2nd respondent in Se. Mu. No. 380 / 2021 / A dated 03.01.2022, the present writ petition is filed.

2. The learned counsel for the petitioner has submitted that the writ petitioner was working as supervisor in the TASMAC shop



in Namakkal District and received salary of Rs.11,250/- and suddenly the 2nd respondent by impugned transfer order, transferred the petitioner to the far away district in the middle of the academic year, which is 150 kms, without following any procedures for transfer and guidelines. As per the guidelines, transfers have to be made at the end of March of every year, therefore the impugned order of transfer is liable to be set aside as the same is a clear violation of principles of natural justice.

3. Heard both sides and perused the materials available on record.

4. Normally this Court will not interfere with the transfer orders passed by the department on administrative reasons, unless there is any malafied. On the facts of the case, the petitioner is drawing a salary of Rs.11,150/- and transferred to the far away place, which is nearly 150 kms from the present place, he will definitely find difficult to manage his family. Further, the 2nd respondent has not followed the circular issued by the 1st respondent dated 03.08.2018, wherein it has been clearly mentioned that the qualifying date of the shopkeepers for transfers should be fixed on the 31st of March of every year, but the petitioner was transferred in the middle of the academic year i.e on 03.01.2022.

5. In view of the aforesaid reasons, this Court is inclined to issue following directions;

- i. The petitioner shall make a fresh representation to the 1st respondent, with all the contentions that have been raised in the present writ petition, within a period of one week week from the date of receipt of a copy of this order.
- ii. On receipt of such representation, the 1st respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, as expeditiously as possible preferably within a period of three weeks thereafter.

6. With the above observations, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

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To

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Salem -16.
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NK(CO)
RVM(22/03/2022)