



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM :

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.2923, 2924 and 2927 of 2022
and WMP.Nos.3061 to 3066 of 2022 of 2022

1.Selvam @ M.Selvaraj ...Petitioner in W.P.No.2923 of 2022
2.S.Palaniswamy ...Petitioner in W.P.No.2924 of 2022
3.A.Brammamurthy ...Petitioner in W.P.No.2927 of 2022
Vs.

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Coimbatore.

2.The District Manager,
TASMAC,
Erode.

...Respondents in all WPs

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order dated 25.01.2022 made in Na.Ka.No.147/2022/A2 (in respect of W.P.No.2923 of 2022) and impugned order dated 24.01.2022 made in Na.Ka.No.147/2022/A2 (in respect of W.P.Nos.2924 & 2927 of 2022) passed by the 1st respondent herein and quash the same.

For Petitioner : Mr.L.P.Shanmugasundaram
For Respondents : Mr.K.Sathis Kumar,
Standing Counsel

COMMON ORDER

Challenging the transfer orders passed by the 1st respondent, the present writ petitions are filed.

2. According to the learned counsel for the petitioners, the petitioners herein were appointed as sales man in the respondent shop in the 2003 and has been continuing without any deviation. The respondent had transferred the petitioners by impugned orders without any administrative convenience and without valid reasons.



3. The contention of the learned counsel appearing for the petitioners is that the said transfer orders were issued by the respondent in the middle of the academic year and without obtaining consent from the Managing Director. On this sole ground, the impugned transfer order is liable to be set aside.

4. On other hand the learned standing counsel appearing for the respondent would submit that the impugned transfer orders have been passed purely only on the administrative reasons, that too within a short distance from the earlier shops. The learned standing counsel would further submit that the petitioners have been relieved from the previous shops and joined in the newly transferred shops. The learned standing counsel is relied upon on the decision of this Court in WP(MD).No. 2620 and 2622 of 2022 dated 09.02.2022, wherein this Court held that 'power of judicial review need not be exercised against the order of administrative transfer, unless it is established that the order of transfer has been issued with a malafide intention or without jurisdiction'.

4. Heard both sides and perused the documents available on record.

5. A perusal of the impugned transfer orders clearly reveal that the transfers are made only on administrative reasons. Therefore, in view of the principles laid down in various decisions of the Hon'ble Supreme Court and this Court, this Court cannot interfere with the impugned transfer orders issued on administrative grounds. This Court finds no merits in the grounds raised by the petitioners in these writ petitions and the same are liable to be dismissed. It is for the petitioners to seek remedy before the concerned authorities.

6. With the above observation, these writ petitions are dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous petitions are closed.

28.02.2022

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This Writ Petition having been listed under the caption "for Being Mentioned" on Thursday, the Twenty Fourth day of March 2022 in pursuance of the earlier order dated 28.02.2022 made herein and upon hearing the arguments of Mr.L.P.Shanmugasundaram, Advocate for the petitioner and Mr.K.Sathish Kumar, Standing Counsel for the Respondent, this Court made the following order :-

These cases are listed today under the caption "For Being Mentioned" at the instance of the learned counsel for the petitioners.



2. The learned counsel for the petitioners submits that though this Court, while disposing of the writ petitions on 28.02.2022, has directed the petitioners to seek remedy before the authorities concerned, there is no specific liberty mentioned in the order to submit a representation to the authorities concerned and therefore, prays for granting of such specific liberty.

3. The learned Standing Counsel for the respondents Corporation would submit that already this Court has impliedly granted liberty to the petitioners and therefore, it should be construed as making a representation to the authorities concerned.

4. In view of the above, paras 5 and 6 of the order dated 28.02.2022 should be read as follows:

"5... It is for the petitioners to seek their remedy before the authorities concerned by submitting representation.

"6. With the above observation, these writ petitions are disposed of....."

24.03.2022

Jvm

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

Jvm

To

1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Coimbatore.

2. The District Manager,
TASMAC, Erode.

+3ccs to M/s.C.P.Shanmugasundaram, Advocate, Sr.No.13624

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RSI(CO)
RVM(01/04/2022)