



WEB COPY



W.P.No.6020 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.6020 of 2022

and

W.M.P.No.6107 of 2022

State Secretary
Tamil Nadu Tasmac Virpanaiyaalargal Sangam
REGN NO:TNTVRJCL2CHETU-50-21-00006
Head Office, 3/14-Bajana Koil Street,
Chembarambakkam
Chennai – 600 123.

... Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its
Additional Chief Secretary to Government
Home Prohibition and Excise Dept
Fort St.George
Chennai – 600 009.

2.The Managing Director
Tamil Nadu State Marketing Corporation (TASMAC)
Floor No.4, Thalamuthu Natarajan Maaligai
Gandhi Irwin Road
Egmore, Chennai – 600 008.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on petitioner representation dated 18.02.2022 to stop the illegal transfers forthwith.

For Petitioner : Mr.S.Kumaraswamy

For R1 : Mr.T.Arunkumar
Additional Government Pleader

For R2 : Mr.K.Sathish Kumar
Standing Counsel

ORDER

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 18.02.2022 to stop the illegal transfers forthwith.

2. The allegation of the petitioner/Tamil Nadu Tasmac Virpanaiyaalargal Sangam that the 2nd respondent/Managing Director has issued a Circular in Na.Ka.No.2/145/2017 on 03.08.2018, wherein it has been stated that transfers can be carried out through counselling on 31st March every year. He also relying upon the decision of the Madurai Bench of this Court in W.P.(MD).Nos.2310 to 2313 of 2022, dated 04.02.2022. But the



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2nd respondent without taking note of the aforesaid circular, has transferred the employees of the TASMAC in the middle of the academic year, which is violative of the instructions issued by the 2nd respondent in its Circular dated 03.08.2018. Hence, the petitioner made a representation dated 18.02.2022 to the respondents to stop illegal transfers forthwith and the said representation is still pending, no order has been passed. Hence, the petitioner has filed the instant writ petition before this Court.

3. The learned Additional Government Pleader appearing for the 1st respondent submitted that the petitioner has to satisfy whether the petitioner's Sangam has *locus standi* to file the writ petition.

4. According to the petitioner, the petitioner's Sangam has been registered under the Trade Unions Act, 1926. Hence, the present writ petition filed by the petitioner's Sangam is maintainable. The learned counsel appearing for the petitioner also undertakes that the registration particulars of the petitioner's Sangam would be furnished before the 1st respondent along with furnishing the said representation.

5. In view of the above said submissions made by the parties, this



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Court is inclined to direct the 1st respondent to consider the petitioner's representation dated 18.02.2022 and pass appropriate orders on merits and in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order and the same shall be communicated to the petitioner. The petitioner is directed to furnish the copy of the representation dated 18.02.2022 along with this order before the 1st respondent.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

22.06.2022

Index : Yes / No
Speaking Order : Yes / No
dm



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To

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