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WP No.27473 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.27473 of 2016
And
WMP No.23667 of 2016**

1.R.Varadarajan
2.K.Arokiadass
3.S.Manimaran
4.E.Balakrishnan
5.S.Murugan
6.K.Poyyamozi

..

Petitioners

VS.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
Chennai.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Old Collector's Office,
Tiruchirappalli.

3.The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd.,
Cuddalore,
Cuddalore Taluk and District.



WP No.27473 of 2016

4. Assistant Manager (R.V),
Tamil Nadu State Marketing Corporation Ltd.,
Kudikadu,
Cuddalore-5,
Cuddalore Taluk and District. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records and quash the order passed by the third respondent in Se.Mu.No.RV-1/3241/CS/2016 dated 29.07.2016.

For Petitioners : Mr.Aditya Varadarajan for
Mr.R.Gururaj.

For Respondents : Mr.C.Ramesh,
Standing Counsel for TASMAL.

ORDER

The order of an administrative transfer issued by the third respondent in proceedings dated 29.07.2016 transferring the writ petitioner from one TASMAL shop to another TASMAL shop within the same District, is under challenge in the present writ petition.



WP No.27473 of 2016

2. The writ petitioners are working as Supervisors in the

WEB COURT TASMAL shops.

3. On account of the policy decision of the State Government to close down certain TASMAL shops in Cuddalore District, the petitioners were transferred to other TASMAL shops on administrative grounds. The petitioners have challenged the said transfer order and pursuant to the interim order of status-quo granted, they are continuing for more than 5 years in the very same TASMAL shop as of now.

4. The petitioners are working as temporary employees in the cadre of Supervisors.

5. Transfer is an incidental to service, more-so, a condition of service. The petitioners are liable to be transferred on administrative grounds and for efficient administration. The power of transfer conferred on the Competent Authorities cannot be interfered with by the High Court in a routine manner. Only if an order of transfer is issued by an Incompetent



WP No.27473 of 2016

Authority having no jurisdiction or tainted with an allegation of mala fides, then alone the power of Judicial Review under Article 226 of the Constitution of India is to be exercised and not otherwise. Interfering with the routine public administration by the High Court is not desirable, which would cause unnecessary inconvenience to the Competent Authorities of the Public Administration.

6. In the present case, the petitioners were transferred on account of the closure of few TASMACH shops through the policy of the Government.

7. Therefore, this Court do not find any infirmity in respect of the order of transfer issued by the third respondent during the relevant point of time. Now the petitioners are allowed to continue in the same TASMACH shops. However, the petitioners have no right to claim the place or the post and they are liable to be transferred in the interest of public administration and the Authorities Competent have to exercise the power of transfer judiciously and in the interest of public.



WP No.27473 of 2016

WEB COPY

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

07-11-2022

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

- 1.The Managing Director,
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- 2.The Senior Regional Manager,
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Cuddalore,
Cuddalore Taluk and District.
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5/6



WEB COPY



WP No.27473 of 2016

S.M.SUBRAMANIAM, J.

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WP 27473 of 2016

07-11-2022