



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.480 OF 2014

P.Baskaran

... Petitioner

.Vs.

1. The Tamil Nadu Civil Supplies Corporation Ltd.,  
Rep. by its Chairman Managing Director,  
No.42, Thambusamy Street,  
Kilpauk, Chennai - 600 010.

2. The Regional Manager,  
The Tamil Nadu Civil Supplies Corporation Ltd.,  
Cuddalore Region,  
Nelikuppam Road,  
Cuddalore.

... Respondents

PRAYER:- Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned orders of the 1<sup>st</sup> respondent made in Rc.No.AE15/82169/2010 dated 19.3.2012 and consequential order of the 2<sup>nd</sup> respondent made in Proc.No.S2/1026/12 dated 27.10.2012 and quash the same and consequently direct the respondents to regularize the period from 16.7.2008 to 4.11.2008 as duty period and grant all service and monetary benefits for the said period to the petitioner along with interest at the rate of 12% per annum from 4.11.2008 till the date of payment.

For Petitioner : Mr.K.Ganesh  
For Mr.K.Premkumar

For Respondents : No appearance

ORDER

The order dated 19.03.2012, which is an inter-departmental communication and the consequential order passed by the Regional Manager/Second respondent in proceedings dated 27.10.2012 are under challenge in the present writ petition.



2. The petitioner was appointed as Helper on 15.01.1991 in the Modern Rice Mill at Neyveli, Cuddalore District under the control of the Tamil Nadu Civil Supplies Corporation, a body corporate registered under the Companies Act, 1956, Government of India Undertaking.

3. The petitioner states that he was transferred from Modern Rice Mill, Neyveli to Modern Rice Mill, Polur, Tiruvannamalai District. The petitioner submitted a request application to cancel the order of transfer. However, he was relieved from service on 16.07.2008 itself. The petitioner made an application to cancel the transfer order dated 11.07.2008 and which was not considered immediately by the respondents.

4. The contention of the petitioner is that the order of transfer was issued in violation of the Standing Orders and finally, the claim of the petitioner was considered and the transfer order issued on 11.07.2008 was cancelled in proceedings dated 05.11.2008. The petitioner was permitted to continue at Modern Rice Mill, Neyveli and he rejoined the duty on 05.11.2008. The intervening period from 16.07.2008 to 04.11.2008 was not regularized. Thus, the petitioner made an application. The said application was forwarded to the Regional Manager and the first respondent/Managing Director issued the impugned order in proceedings dated 19.03.2012, instructing the second respondent to regularize the period of leave as per the leave eligibility of the petitioner. Accordingly, the second respondent issued the consequential impugned order dated 27.10.2012, regularizing the period of absence from 16.07.2008 to 05.08.2008 - 20 days as Earned Leave and from 06.08.2008 to 04.11.2008 - 92 days as Leave on Loss of Pay. The said orders are under challenge in the present writ petition.

5. This Court is of the considered opinion that admittedly, the petitioner was transferred from Modern Rice Mill, Neyveli to Modern Rice Mill, Polur, Tiruvannamalai District. He was relieved from service on 16.07.2008 itself. However, the petitioner had not joined in the transferred post. Instead, he remained absent and submitted an application to cancel the order of transfer. Finally, the order of transfer was cancelled and he was permitted to rejoin duty at Neyveli. Under those circumstances, the authorities competent regulated the period of absence as eligible leave and more so, the period from 16.07.2008 to 05.08.2008 was regularized as Earned Leave and the further period from 06.08.2008 to 04.11.2008 was treated as Leave on Loss of Pay. The said decision was taken in accordance with the Rules. Admittedly, the petitioner had disobeyed the orders of transfer and not joined in the transferred place and further, he submitted an application to cancel the order of transfer, which was considered at later point of time, for



which, the administration cannot be held responsible. The petitioner, even after submitting an application to cancel the transfer order, ought to have joined in the transferred place. Till such time, the application is considered by the competent authorities. Contrarily, he remained absent. However, the authorities have considered the case of the writ petitioner and regularized the leave period as Earned Leave and Leave on Loss of Pay.

6. This being the factum, the petitioner has not established any acceptable ground for the purpose of interfering with the orders of transfer and consequently, the writ petition stands dismissed. No costs.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kak

To

1. The Chairman Managing Director,  
The Tamil Nadu Civil Supplies Corporation Ltd.,  
No.42, Thambusamy Street,  
Kilpauk, Chennai - 600 010.
2. The Regional Manager,  
The Tamil Nadu Civil Supplies Corporation Ltd.,  
Cuddalore Region,  
Nelikuppam Road,  
Cuddalore.

+1cc to Mr.K.Premkumar, Advocate, S.R.No.32100  
+1cc to Mr.C.Selvaraj, Advocate, S.R.No.32861

W.P.NO.480 OF 2014

SSN(CO)  
PBS/16/06/2022