



W.P.No.32021 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.32021 of 2022
and W.M.P.No.31469 of 2022

K. Murugesan

.. Petitioner

Vs.

Tamil Nadu State Marketing Corporation,
(TASMAC), Rep. by its Senior Regional Manager,
No.16, Brindavan Road, Fairlands,
Salem – 636 016.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, to call for the records relating to the impugned order issued by the respondent bearing Se.Mu.No.407/2022/A dated 16.11.2022 and quash the same.

For Petitioner : Mr.K.M. Ramesh

For Respondent : Mr.N. Sekar,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned transfer order dated 16.11.2022 issued by the respondent.



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2. Heard Mr.K.M. Ramesh, learned counsel for the petitioner. Mr.N.Sekar, learned standing counsel, accepts notice on behalf of the respondent. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner is a TASMAC employee. Admittedly, the place of transfer is 30 Kms away from the present place of work of the petitioner. The petitioner contends that it is a punitive transfer on the ground that only due to the distribution of pamphlet by him as a State Secretary of Tamil Nadu Government TASMAC Employees Union, the respondent has issued the impugned transfer order.

4. On a *prima facie* consideration, this Court, at this stage, cannot grant any interim relief as sought for by the petitioner. Since no interim relief can be granted at this stage, this Court made a suggestion to the learned counsel for the petitioner as to whether the petitioner will join duty at the place of transfer and thereafter, give a representation to the respondent, requesting for re-transfer to his original place or at any nearby place. For



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this suggestion, the learned counsel for the petitioner has agreed.

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5. Accordingly, this Writ Petition is disposed of, by directing the petitioner to join duty within a period of three (3) days at the place of transfer as per the impugned order dated 16.11.2022 and on joining duty, the petitioner is permitted to give a representation to the respondent, requesting for re-transfer back to his original place of work or at any nearby place. On receipt of the said representation, the respondent is directed to pass final orders on merits and in accordance with law, after giving due consideration to the contents of the representation and after affording one personal hearing to the petitioner, within a period of two (2) weeks thereafter. No costs. Connected miscellaneous petition is closed.

30.11.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

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Note: Issue Order Copy on 01.12.2022



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ABDUL QUDDHOSE,J.

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To

Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
No.16, Brindavan Road, Fairlands,
Salem – 636 016.

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