



W.P.No.31915 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 23.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31915 of 2018

V.Raja

...Petitioner

Vs.

1.Tamil Nadu State Marketing Corporation Ltd.,
Rep.by its Managing Director,
Egmore, Chennai – 600 008.

2.The General Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Egmore, Chennai – 600 008.

3.The Senior Regional Manager,
Madurai Region,
TASMAC,
No.100, Anna Nagar,
Madurai – 625 020.

4.The District Manager,
TASMAC,
Choolakkarai,
Virudhunagar District.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to clarify and issue directions to the 4th respondent that the petitioner appointment as Shop



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Supervisor on and from 29.11.2003 shall be taken as his date of appointment in the said post in Virudhunagar District and his posting at Shop Number 543 in Chennai Central District shall be taken as transfer / deputation from Virudhunagar District and that his posting in Shop number 543 in Chennai Central District shall be taken to be an administrative transfer / deputation as contemplated in clause (v) of the Circular dated 23.01.2017 issued by the 1st respondent in circular number 1 and not as a transfer / posting on the petitioner request and the 4th respondent to fix his seniority by taking as if he joined as Shop Supervisor in Virudhunagar District on 29.11.2003 and to place him at the appropriate place in the final seniority list and to confer the petitioner all service benefits, such as time scale of pay, promotion etc., based on such seniority, by taking his date of his appointment in the post of Shop Supervisor in Virudhunagar District as 29.11.2003, with all consequential benefits, award cost and thus render justice.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.K.Satish Kumar
Standing Counsel
For TASMACH

ORDER

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to clarify and issue directions to the 4th respondent that the petitioner appointment as Shop Supervisor on and from 29.11.2003 shall be taken as his date of appointment in the said post in Virudhunagar District and his posting at Shop Number 543 in Chennai Central District



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shall be taken as transfer / deputation from Virudhunagar District and that his posting in Shop number 543 in Chennai Central District shall be taken to be an administrative transfer / deputation as contemplated in clause (v) of the Circular dated 23.01.2017 issued by the 1st respondent in circular number 1 and not as a transfer / posting on the petitioner request and the 4th respondent to fix his seniority by taking as if he joined as Shop Supervisor in Virudhunagar District on 29.11.2003 and to place him at the appropriate place in the final seniority list and to confer the petitioner all service benefits, such as time scale of pay, promotion etc., based on such seniority, by taking his date of his appointment in the post of Shop Supervisor in Virudhunagar District as 29.11.2003, with all consequential benefits, award cost and thus render justice.

2. The petitioner was appointed as Shop Supervisor in Virudhunagar District on 29.11.2003 in respondent-Tamil Nadu State Marketing Corporation Limited. The petitioner was deputed as Shop Supervisor at Chennai and thereafter, re-transferred to Virudhunagar District from where he was recruited as Shop Supervisor.



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3. The grievances of the writ petitioner is that the seniority was not fixed as per the Circular issued by 1st respondent in Circular No.1/2017 dated 23.01.2017.

4. The learned counsel for the petitioner made a submission that the services rendered by the petitioner at Chennai are also to be taken into consideration for the purpose of fixing seniority with reference to the Circular.

5. The order of appointment of the writ petitioner reveals that it is a contract appointment and the petitioner was appointed on temporary basis on certain terms and conditions. The terms and conditions of the contract are also stipulated in the appointment order issued to the writ petitioner.

6. As far as the TASMACH is concerned, all the employees are appointed on temporary / contract basis and their services are liable to be summarily terminated along with forfeiture of security deposit. Therefore, there is no regular seniority list for the purpose of grant of promotion in accordance with the Government Service Rules or other Special Rules



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applicable to the TASMAC. However, the list of seniority may be required for administrative purposes and to know about the Service particulars of the employees working in the TASMAC.

7. In this context, the Circular was issued by the 1st respondent on 23.01.2017 and the guidelines issued for preparation of seniority list for shop personnel is to be followed by the competent authorities, while preparing the seniority list. Thus, the respondents 2 to 4 are directed to follow the guidelines issued by the 1st respondent on 23.01.2017 and accordingly, place the writ petitioner in an appropriate place. However, this fixation of seniority would not confer any right on the petitioner, since he is governed by the terms and conditions of his contract appointment.

8. It is not made clear, whether the guidelines are issued for the purpose of any further service benefits or otherwise. However, guidelines regarding preparation of seniority issued by the Head of the Department is to be followed for the purpose of placing the employees in an appropriate place in the list of seniority.

9. With these observations, the writ petition stands disposed of. No



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Index : Yes
Speaking order: Yes
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To

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S.M.SUBRAMANIAM, J.

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