



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .Nos.4572 and 4573 of 2022

and

W.M.P. (MD) .Nos.3837 and 3838 of 2022

W.P. (MD) .No.4572 of 2022

T.Ashok Kumar

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District @ Nagercoil.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Plot No.100, Anna Nagar,
Madurai - 20.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
TASMAC IMFS DEPOT,
Bethal Nagar, Chenbagaramanputhur,
Aralvaimozhi,
Kanyakumari District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the third respondent herein vide Na.Ka.No.A1/724/2021 dated 25.01.2022 and quash the same as illegal.

W.P. (MD) .No.4573 of 2022

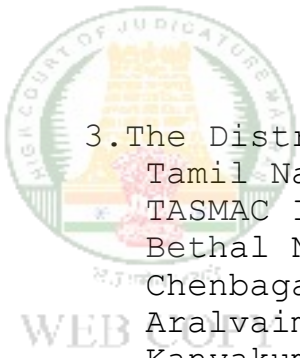
S.Sam Joseph Raj

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District @ Nagercoil.

2.The Senior Regional Manager,
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Kanyakumari District.

... Respondents

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(In both Writ Petitions)

For Petitioner	:	Mr.B.Brijesh Kishore
For R-1	:	Mr.M.Ramesh
		Government Advocate (Civil Side)
For R-2 and R-3	:	Mr.B.Jameel Arasu,
		Standing Counsel.

COMMON ORDER

The impugned order of transfer was challenged in these Writ Petitions.

2. The contention of the petitioners are that their transfer order was passed in the month of January itself. According to the circular dated 03.08.2018 in Na. Ka. No. R2 / 14589 / 2017, every year March 31st can be considered for transfer. In this present case, the petitioners were transferred during the month of January itself.

3. It is only admitted that the transfer is incidence of service and in the present case, a mass transfer order was passed in the month of January.

4. The learned counsel for the petitioners submitted that the same mass transfer order was put to challenge before this Court in W.P.(MD).Nos.2310 to 2313 of 2022 and this Court granted an interim order dated 04.02.2022. Thereafter, the respondents had filed a detailed counter and the Writ Petitions were dismissed on 11.03.2022. The learned counsel for the petitioners submitted that the Writ Petitions were dismissed with certain observations, since the order copy was not issued and he was not able to produce the same.

5. The learned counsel for the respondents submitted that again two persons were filed the Writ Petitions in W.P.(MD).Nos.2620



of 2022 and 2622 of 2022 and this Court after hearing the elaborated arguments, dismissed the Writ Petitions vide order dated 09.02.2022.

6. The learned counsel for the petitioners submitted that this transfer order was passed violating their own circular by transferring the petitioners in the month of January itself and prayed to direct the respondents to consider their representations by the petitioners. This Court is granting the limited relief to the petitioner as follows:

(i) If the petitioners have not joined in new post, the impugned transfer order shall be kept in abeyance.

(ii) The petitioners are directed to give an independent representation and the respondents are directed to consider and pass orders in the light of the circular 03.08.2018.

7. With the above said directions, the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

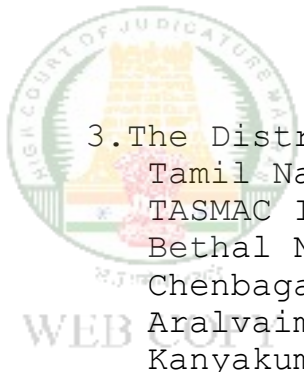
Nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-12618[F] dated
17/03/2022)

+1 CC to M/s.SPL GP (SR-12504[F] dated 16/03/2022)

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SRR(CO)
KB(06.04.2022) 4P 6C