



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD) No.11035 of 2021

and

WMP(MD) No.8665 of 2021

V.Rajkumar

... Petitioner

-Vs-

The Deputy Collector / District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Sivagangai,
Sivagangai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order issued by the respondent in Na.Ka.No.96/2020/A1 dated 16.02.2021, quash the same as far as petitioner is concerned.

For Petitioner : Mr.L.Shaji Chellan

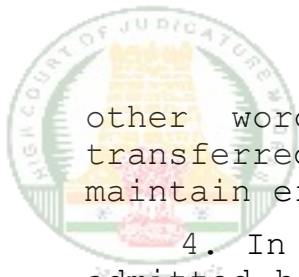
For Respondent : Mr.H.Arumugam

O R D E R

The order of transfer dated 16.02.2021, transferring the writ petitioner from TASMAC Shop No.7513 Sivagangai to Shop No.7596 is under challenge in the present writ petition.

2. The learned counsel for the petitioner made a submission that regarding MRP violation an order of penalty was issued without conducting any enquiry. The Court had set aside the penalty and remanded the matter back to the authorities for conducting an enquiry.

3. However, in the present case, the learned counsel for the respondent brought to the notice of this Court that the petitioner admitted his guilt regarding MRP violation and paid the penalty. The respondent has already issued a Circular stating that in the event of MRP violation, such employees are transferred to the shop where the sale is lesser than the other shop. Therefore, the MRP violation penalty is also a ground to transfer an employee from one TASMAC Shop to another TASMAC Shop on administrative ground. In



other words, a person, who has involved in a misconduct is transferred to another place on administrative ground and to maintain effective administration.

4. In view of the fact that the petitioner in the present case admitted his guilt and paid the penalty, the question of conducting enquiry would not arise at all. Therefore, this Court is not inclined to interfere with the order of transfer.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

The Deputy Collector / District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Sivagangai,
Sivagangai District.

+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-14063[F] dated
24/03/2022)

W.P.(MD) No.11035 of 2021
23.03.2022

MGJ(01.04.2022) 2P 3C