



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1888 of 2023
and WMP No.1994 of 2023

1.K.Raja
Sardar
Food Corporation of India
Food Storage Depot
Arakkonam
Ranipet District.

2.K.Dhesan
Handling Labour
Food Corporation of India
Food Storage Depot
Arakkonam
Ranipet District.

3.S.Murugesan
Handling Labour
Food Corporation of India
Food Storage Depot
Arakkonam
Ranipet District.

4.V.Malandurai
Handling Labour
Food Corporation of India
Food Storage Depot
Arakkonam
Ranipet District.



5.K.Mathivanan

Sardar

Food Corporation of India

Food Storage Depot

Arakkonam

Ranipet District.

6.K.Veenusraj

Handling Labour

Food Corporation of India

Food Storage Depot

Arakkonam

Ranipet District.

7.S.Jayakumar

Ancillary Labour

Food Corporation of India

Food Storage Depot

Arakkonam

Ranipet District.

8.M.Sundar

Ancillary Labour

Food Corporation of India

Food Storage Depot

Arakkonam

Ranipet District.

.. Petitioners

.Vs.

1.The Union of India

Rep.by its Secretary

Ministry of Labur

Shram Shakti Bhavan

New Delhi-110001.



2. The Union of India

Rep. by its Secretary
Ministry of Consumer Affairs
Food and Public Distribution
Krishi Bahavan
New Delhi.

3. The Chairman cum Managing Director

Food Corporation of India
Head Quarters
16-20 Bharakamabha Lane
New Delhi-100 001.

4. The Executive Director (IR-L)

Food Corporation of India
Head Quarters
16-20 Bharakamabha Lane
New Delhi-100 001.

5. The Executive Director (South)

Food Corporation of India
Zonal Office (South)
3, Haddows Road
Nungambakkam
Chennai 600 003.

6. The General Manager (Region)

Food Corporation of India
Regional Office (Tamilnadu Region)
No.8, Mayor Sathymoorthy Road
Chetpet
Chennai 600 031.

7. The Assistant General Manager (IR-L)

Food Corporation of India
Regional Office (T.N)
No.8, Mayor Sathymoorthy Road
Chetpet
Chennai 600 031.



8. The Divisional Manager
Food Corporation of India
Divisional Office (Vellore)
FSD Complex, Chennai Salai
Sevur Village, Katpadi Taluk
Vellore-632106.

9. The Manager (DPS Admin)
Food Corporation of India
Divisional Office (Vellore)
FSD Complex, Chennai Salai
Sevur Village, Katpadi Taluk
Vellore-632106.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for all relevant records relating to the impugned order of transfer issued in office order No.E66347 DO VLR-20.0014.0(11.0/3/2023-IRL-DO VELL, dated 18.01.2023, passed by 9th respondent herein in respect of Serial Nos.1, 9, 22, 62,67,82 and 3 & 4 alone, and quash the same as arbitrary, unreasonable improper, illegal, against the rules and regulations of the respondents and violating the fundamental rights guaranteed under the Constitution of India and thereby directing the respondents to permit the petitioners to discharge their duties as Sardar, Handling Labours, Ancillary Labours in Food Corporation of India, Food Storage Depot, Arakkonam, without transferring the petitioners to FCI, FSD, Sevur.

For Petitioner : Mr.K.Venkatramani
Senior Counsel

For Respondents : Mr.Venkatasamy Babu
Senior Panel Counsel
For R1 and R2

Mr.C.K.Chandrasekar
Standing Counsel
R3 to R9



This writ petition has been filed challenging the proceedings issued by the 9th respondent on 18.01.2023, whereby the petitioners were transferred from the Arakkonam Unit to the Sevrur Unit of the Food Corporation of India.

2.Heard Mr.K.Venkatramani, learned Senior Counsel for the petitioners and Mr.Venkatasamy Babu, learned Senior Panel counsel for R1 and R2 and Mr.C.K.Chandrasekar, learned Standing Counsel appearing on behalf of the respondents 3 to 9.

4.When the matter came up for admission on 27.01.2023, this Court expressed its mind to the learned Senior Counsel appearing on behalf of the petitioners that there are absolutely no grounds to interfere with the transfer order. This Court brought to the notice of the learned Senior Counsel for the petitioners that the transfer order pertained to nearly 93 workers and the petitioners also formed part of it.

4.The learned Senior Counsel appearing on behalf of the petitioners submitted that the petitioners are in the verge of retirement and they have been sent to a place 75 Kms away from their present Arakkonam unit. Hence, the learned Senior Counsel requested this Court to consider the case of the



petitioners on humanitarian grounds. On this limited issue, this Court directed the learned Standing Counsel appearing on behalf of respondents 3 to 9 to take instructions.

5. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the respondents 3 to 9 submitted that the petitioners are the direct employees of Food Corporation of India and the unit at Arakkonam is being run on a contract basis by inviting tenders. Hence, the petitioners cannot be engaged along with the contract labourers. The learned counsel further submitted that the Food Corporation of India took into consideration the fact that the petitioners are going to retire in the near future and hence, they were accommodated to the nearest place at Seyyur. It was submitted that there is no possibility of retaining the petitioners at Arakkonam Unit.

6. In the considered view of this Court, the transfer order passed by the respondents does not warrant any interference. The transfer order has been passed on administrative grounds and after taking into consideration the fact that the Arakkonam unit has been let out on contract basis and contract employees are now being engaged by the contractor. The petitioners have not been sent to any



faraway place and the Food Corporation of India has ensured that the petitioners are accommodated at the nearest place at Seyyur.

7. In the light of the above, there is no ground to interfere with the order issued by the 9th respondent. It is left open to the petitioners to make a representation to the Food Corporation of India and seek for considering their case on humanitarian grounds.

8. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2023

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Index : Yes/No
Internet : Yes
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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Ministry of Labur
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N. ANAND VENKATESH, J.

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