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W.P.Nos.3516 & 3542 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.3516 & 3542 of 2023 and
W.M.P.Nos.3557, 3559, 3595 & 3596 of 2023

M.Nedumaran	..	Petitioner in W.P.No.3516 of 2023
V.Mathiyalagan	..	Petitioner in W.P.No.3542 of 2023

VS

1. The Managing Director
Tamil Nadu State Marketing Corporation Ltd
TASMAC, CMDA Tower-II
IV Floor, Gandhi Irwin Bridge Road
Egmore, Chennai – 600 008.

2. The Senior Regional Manager
Coimbatore Region
Office of the Senior Regional Manager
Tamil Nadu State Marketing Corporation Ltd.
TASMAC, 305-A, Vilankurichi Road
Peelamedu Railway Station back side
Peekamedu, Coimbatore – 641 004.

3. The District Manager (North)
Tamil Nadu State Marketing Corporation Ltd.
TASMAC, Coimbatore District
Coimbatore – 641 004.

Respondents in
W.P.No.3516 of 2023



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3. The District Manager (South)
Tamil Nadu State Marketing Corporation Ltd.
TASMAC, Coimbatore District
Coimbatore – 641 004.

Respondents in
W.P.No.3542 of 2023

Common Prayer : Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorari, to call for the records relating to
the impugned order of transfer dated 20.01.2023 made in Na.Ka.No.047/2023/A2
by the Senior Regional Manager, Coimbatore Region, Tamil Nadu State
Marketing Corporation Ltd., (TASMAC) the second respondent herein.

For Petitioners in : Mr.G.Saravanan
both W.Ps

For Respondents in : Mr.J.Ravindran
both W.Ps Additional Advocate General
assisted by Mr.K.Sathish Kumar
Standing Counsel



W.P.Nos.3516 & 3542 of 2023

COMMON ORDER

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Mr.K.Sathish Kumar, learned Standing Counsel takes notice on behalf of the respondents.

2. The subject matter of challenge in these writ petitions pertains to the transfer order passed by the Senior Regional Manager, transferring the petitioners from one TASMAC shop to another.

3. The learned counsel for the petitioners mainly raised two grounds. The first ground is that the second respondent has issued the transfer order without the concurrence of the first respondent, which is mandatory as per the circular dated 16.09.2021. The second ground raised by the learned counsel for the petitioners is that the transfer was done with *mala fide* intention, since a complaint has been made against persons, who are demanding mamool in the concerned area.

4. The learned Additional Advocate General appearing on behalf of the respondents submits that the transfer order was issued by the second respondent only after obtaining concurrence from the first respondent. The learned counsel for the petitioners, in reply to this submission, brought to the notice of this Court the



W.P.Nos.3516 & 3542 of 2023

transfer order and stated that there is no indication that the first respondent has given concurrence for the transfer.

5. In the considered view of this Court, it is not necessary that the transfer order must also speak about the concurrence given by the first respondent. The learned Additional Advocate General, on instructions, submitted that the second respondent has passed the transfer order only after getting concurrence of the first respondent and the said submission must be given due weightage and hence, the transfer order passed by the second respondent cannot be interfered on the ground of irregularity.

6. Insofar as the ground of *mala fide*, that was raised by the learned counsel for the petitioners, it is not as if the petitioners have been transferred to a far-off place. The petitioners have been transferred within the same District and even assuming that complaints have been made to the effect that there is a demand for mamool in the concerned District, that does not in any way come in the way of the second respondent, taking administrative decisions by transferring employees from one shop to another. Such routine transfers should not be interfered with by this Court and this Court does not find that the transfer in question is vitiated by *mala*



W.P.Nos.3516 & 3542 of 2023

WEB COPY

7. In the light of the above, this Court does not find any ground to interfere with the impugned transfer order passed by the second respondent and in the result, these writ petitions are dismissed. There will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Index: Yes/No
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08.02.2023

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N.ANAND VENKATESH, J

(drm)

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