



W.P.No.24339 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.24339 of 2023

and

W.M.P.No.23785 of 2023

Karikalan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited (TASMAC)
CMDA Tower,
Egmore,
Chennai – 600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC)
O/o. District Collectorate,
Trichy – 620 001.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC)
Nagapattinam District,
Thirubuvanam,
Thiruvudaimaruthur Taluk,
Thanjavur District.

4.Jayabal
Assistant Manger,
Tamil Nadu State Marketing Corporation Limited (TASMAC)
Nagapattinam District,
Thirubuvanam,
Thiruvudaimaruthur Taluk,
Thanjavur District.

... Respondents



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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 transfer order, dated 07.08.2023, issued by the 3rd respondent in Na.Ka.No.2716/2023 /A-1 and quash the same.

For Petitioner : Mr.G.Pugazhenthithi

For R1 to R3 : Mr.C.Ramesh

ORDER

This writ petition has been filed challenging the transfer order, dated 07.08.2023, issued by the 3rd respondent, against the petitioner.

2.It is the case of the petitioner that he was working as Salesman in the TASMACH Retail Vending Shop at Velankanni, Kivelur Taluk, Nagapattinam District and while so, by the impugned transfer order, he has been transferred to TASMACH Gowdown, Thirubhuvanam, Thanjavur District, pointing out certain irregularities, viz., selling the liquor for a price more than the MRP, etc., which were found during inspection. It is the contention of the petitioner that he was not present at the sales-point at the relevant point of time. Therefore, the impugned transfer order has been challenged mainly on the ground of *mala fides* and punitive nature.



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3. Heard the learned counsel for the petitioner and Mr.C.Ramesh, learned counsel, who takes notice for the respondents 1 to 3.

4. The impugned order clearly indicates that, not only the petitioner, but several other salesmen have also been transferred vide the impugned order, on finding some irregularities. When the transfer has been effected for administrative convenience and for better administration, this Court is of the view that such action cannot be construed as, at all times, punitive in nature. Transfer is an incident of service and a condition of service. Therefore, it cannot be challenged as such without establishing the *mala fides* or its alleged punitive nature. Moreover, in the given case, the petitioner has been transferred from Retail Vending Shop to Godown. In such view of the matter, no prejudice would be caused to him.

5. Hence, I do not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs.

18.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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N. SATHISH KUMAR, J.

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