



WEB COPY



WP.No.27508 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.27508 of 2023
and W.M.P.No.26951 of 2023

P.Senthil Kumar

.. Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Marketing Corporation Limited (TASMAC)
CMDA Tower – II, 4th Floor
Egmore,
Chennai - 600 008.

2. The District Manager,
TASMAC., Nagapattinam District,
Industrial Estate, Thirubuvanam,
Thiruvudaimaruthur Taluk,
Nagapattinam District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the 2nd respondent bearing Na.Ka.No.2613/2023/A1 dated 06.07.2023 and quash the same as illegal and consequently direct the respondents to permit the petitioner to work in the Shop No.5781 as Supervisor.

For Petitioner : Mr.P.Suresh Babu
For Respondents : Mr.C.Ramesh

ORDER

This writ petition has been filed challenging the proceedings of the 2nd



WP.No.27508 of 2023

respondent bearing Na.Ka.No.2613/2023/A1 dated 06.07.2023, quash the same as illegal and consequently direct the respondents to permit the petitioner to work in the Shop No.5781 as Supervisor.

2. It is the case of the petitioner that he is working as Supervisor in the TASMAL Retail Vending Shop at Mayiladuthurai District and while so, by the impugned transfer order, he has been transferred to TASMAL Gowdown, 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 the respondents has violated the Code of Prevention and Detection of Fraudulent Acts in Tamil Nadu State Marketing Corporation Limited – 2014. Therefore, the impugned transfer order has been challenged mainly on the ground of mala fides and punitive nature.

3. Heard the learned counsel for the petitioner and Mr.C.Ramesh, learned counsel, who takes notice for the respondents 1 and 2.

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



WP.No.27508 of 2023

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. Consequently, connected miscellaneous petition is closed.

20.09.2023

dhk

Internet : Yes/No

Index : Yes/No

Neutral Citation: Yes/No



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WP.No.27508 of 2023

N.SATHISH KUMAR, J.

dhk

To

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W.P.No.27508 of 2023

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(1/2)