



W.P.(MD)No.422 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.01.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.422 of 2023**

**and**

**W.M.P(MD) Nos.390 & 391 of 2023**

V.Anilkumar

: Petitioner

Vs.

- 1.The Managing Director  
Tamilnadu State Marketing Corporation Limited (TASMAC),  
CMDA Tower - II, 4th Floor,  
Egmore,  
Chennai - 600 008.
- 2.The Senior Regional Manager  
Tamilnadu State Marketing Corporation Limited (TASMAC),  
Plot No.100, Anna Nagar,  
Madurai - 20.
- 3.The District Manager  
Tamilnadu State Marketing Corporation Limited (TASMAC),  
TASMAC IMFS DEPOT,  
Bethal Nagar,  
Chenbagaramanputhur,  
Aralvaimozhi,  
Kanyakumari District.



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4 M.Raja

: Respondents

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**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the Impugned order passed by the 2nd respondent herein vide Na.Ka.No. 233/2022-A1 dated 28.11.2022 and quash the same as illegal

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.S.Sivanesan - for R1 to R3

### **ORDER**

This writ petition has been filed to quash the Impugned order passed by the 2nd respondent vide Na.Ka.No.233/2022-A1 dated 28.11.2022.

2. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Supervisor as per the proceedings of the third respondent, dated 26.11.2003 and joined the service in TASMACH Shop



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No.4832 situated in Marthandam. Thereafter, the petitioner has been transferred to several places and joined in TASMACH Shop No.4718 situated at Samiyarmadam, Kanyakumari District and again transferred to present Shop No.4819 as per the proceedings of the District Manager, dated 25.01.2022 on the basis of mass transfer proceedings and the petitioner joined in Shop No.4819 on 26.01.2022. The second respondent, without following the circular, dated 03.08.2018 issued by the first respondent, passed the mass transfer, vide proceedings, dated 24.01.2022 for 28 employees including the petitioner and thereafter, one State Secretary of TASMACH Organisation made a representation to withdraw all the illegal transfer and filed a petition before the Principal Seat of this Court in W.P.No.6020 of 2022 and the Principal Seat of this Court passed an order, dated 22.06.2022, directing the first respondent to consider the petitioner's representation, dated 18.02.2022 and pass appropriate orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of that order. Pursuant to which, the present impugned order was passed transferring the petitioner from Attoor to Samiyarmadam. Challenging the same, the present writ petition is filed.



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3. The learned counsel for the petitioner further submitted that the petitioner is having a physically challenged child and he has to take care of his child and his wife is working at Thanjavur, whereas, the petitioner is residing in Attoor, and again transferring from Attoor to Samiyarmadam is not sustainable one and said Samiyarmadam is situated beyond 15 kms. and hence, he prayed for allowing the writ petition.

4. The learned Standing Counsel appearing for the respondents 1 to 3 submitted that earlier the petitioner worked at Samiyarmadam Shop and thereafter, a mass transfer was effected. Due to which, the petitioner was transferred to Attoor. Pursuant to the order passed by this Court, again the TASMACH Management has reconsidered the entire transfer order and inclined to transfer him to the original place of Samiyarmadam and the said Samiyarmadam is situated 3 kms. from the petitioner's residence and the total distance in between the two shops is only 4.8 kms. and the grievance expressed by the petitioner is not sustainable one and hence, he prayed for dismissal of the writ petition.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Supervisor as per the proceedings of the third respondent, dated 26.11.2003 and joined the service in TASMACH Shop No.4832 situated in Marthandam. Thereafter, the petitioner has been transferred to several places and joined in TASMACH Shop No.4718 situated at Samiyarmadam, Kanyakumari District and again transferred to the present Shop No.4819 as per the proceedings of the District Manager, dated 25.01.2022 on the basis of mass transfer proceedings and the petitioner joined in Shop No.4819 on 26.01.2022. The second respondent, without following the circular, dated 03.08.2018 issued by the first respondent, passed the mass transfer, vide proceedings, dated 24.01.2022 for 28 employees including the petitioner and thereafter, pursuant to the order passed by this Court, again the TASMACH Management has reconsidered the entire transfer order and inclined to transfer the petitioner to the original place of Samiyarmadam and the said Samiyarmadam is situated 3 kms. from



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the petitioner's residence and the total distance in between the two shops is only 4.8 kms. and the grievance expressed by the petitioner is not sustainable one and hence, the prayer sought for by the petitioner cannot be granted. However, liberty is granted to the petitioner to make representation, if there is any grievance in future.

7. Granting such liberty, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

**09.01.2023**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
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**M.DHANDAPANI, J.**

RM

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