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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.625 and 608 of 2023
and
W.M.P.(MD).Nos.622, 623, 595 and 597 of 2023

W.P.(MD)No.625 of 2023

Sunish ... Petitioner

Vs.

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

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Plot No.100, Anna Nagar,
Madurai – 20.

3.The District Manager (FAC),
Tamil Nadu State Marketing Corporation Limited (TASMAC),
TASMAC IMFS DEPOT,
Bethal Nagar,
Chenbagaramanputhur,
Aralvaimozhi,
Kanyakumari District.

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4.Mr.P.Arun Sathya

5.Mr.M.Raja ... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent vide Na.Ka.No.9040/2022-A1, dated 12.12.2022 and quash the same as illegal.

For Petitioner : Mr.K.Balasubramanian
for Mr.B.Brijesh Kishore

For R1 to R3 : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.S.Sivanesan

W.P.(MD)No.608 of 2023

D.Selvin Sathia Dhas ... Petitioner

Vs.

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Plot No.100, Anna Nagar, Madurai – 20.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Kanyakumari District. ... Respondents

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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order dated 12.12.2022 vide Na.Ka.No. 940/2022/A-1, issued by the first respondent insofar as the petitioner's name at Serial No.2, is concerned and quash the same.

For Petitioner : Mr.K.Rajesh
For R1 to R3 : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.S.Sivanesan

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, they have been taken up together and disposed of by this common order.

2. The case of the petitioners is that they are working as Supervisor in the Tamil Nadu State Marketing Corporation Limited (TASMAC). It is alleged that the petitioners have permitted the salesmen to

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sell the liquor bottles for more than the M.R.P., thereby the present impugned orders of transfer have been passed.

3. The learned counsel appearing for the petitioners would submit that as per the regulation, if at all any allegation as against the employees in higher sale shop, they have to transfer to lower sale shop. But, contrary to the regulation, the petitioners were transferred to higher sale shop, which is not sustainable one. However, in order to give a quietus to this issue, this Court may grant permission to the petitioners to join duty to the transferred place and thereafter make a representation to transfer the petitioners to the lower sale shop in terms of the regulation.

4. The learned Additional Advocate General appearing for the respondents 1 to 3 would submit that the earlier regulation is going to be withdrawn and now, the Draft Circular is issued on 27.02.2023, to impose the punishment on three stages as against the erring employees.

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5. Considering the limited request made by the learned counsel for the petitioners, this Court permits the petitioners to join duty to the transferred place within a period of two weeks from the date of receipt of a copy of this order and make a representation to the second respondent to transfer them to the lower sale shop in terms of the regulation. On receipt of the same, the second respondent is directed to consider the same and pass appropriate orders within a period of six weeks thereafter.

6. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

28.02.2023

NCC: Yes/No
Index : Yes / No
Speaking Order : Yes / No

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W.P.(MD)Nos.625 and 608 of 2023

28.02.2023

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