



W.P.(MD).No.459 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.459 of 2024

V.Anilkumar

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent herein to issue transfer order to the petitioner to join in TASMAC Shop No. 4819 in the light of the order passed in W.P.(MD).No.422 of 2023, dated



W.P.(MD).No.459 of 2024

09.01.2023 on the basis of the petitioner's representation made before him by RPAD, dated 06.12.2023.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.S.Sivanesan
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the 1st respondent herein to issue transfer order to the petitioner to join in TASMACH Shop No.4819 in the light of the order passed in W.P.(MD).No.422 of 2023, dated 09.01.2023 on the basis of the petitioner's representation made before him by RPAD, dated 06.12.2023.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was initially appointed as Supervisor vide proceedings of the 3rd respondent, dated 26.11.2003 and he joined service in TASMACH shop No.4832 situated in Marthandam. Thereafter, he was transferred to various places and joined in TASMACH shop no.4718 situated in Samiyar Madam and



W.P.(MD).No.459 of 2024

transferred to TASMAC shop no.4819 as per the proceedings of the District Manager, dated 25.01.2022. The petitioner joined TASMAC shop no.4819 on 26.01.2022. Thereafter, the 2nd respondent vide proceedings, dated 28.11.2022 issued transfer order to the petitioner to TASMAC shop no.4718 and presently, he is working thereat. The petitioner's son, namely A.S.Nived Sankar is a special child and he is studying in 9th standard and his wife is working as Teacher in Tanjore District. The transfer order was issued on 25.01.2022 and the petitioner had obeyed to the same. However, the 2nd respondent had issued the transfer order vide proceedings, dated 28.11.2022 and transferred the petitioner to the present shop no.4718. The petitioner made a detailed representation to the 2nd respondent on 20.12.2022 setting out his grievance and requested him to permit him to work in the same place in shop no.4819 and the same was not considered.

4. The petitioner had filed W.P(MD)No.422 of 2023 and this Court by an order, dated 09.01.2023 was pleased to dismiss the same granting liberty to the petitioner make fresh representation, in case of any grievance in future. In view of the same, the petitioner had made a representation on 06.12.2023 taking into



W.P.(MD).No.459 of 2024

account the vacancy which is available in TASMACH shop no.4819. However, the same was not considered.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Without going into the merits of the case, this Court hereby direct the 1st respondent to consider the representation of the petitioner, dated 06.12.2023 and pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of copy of this order.

7. With the above said observations, this Writ Petition stands disposed of. No costs.

09.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
gbg



W.P.(MD).No.459 of 2024

WEB COPY

- To
- 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,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
TASMAC IMFS DEPOT,
Bethal Nagar, Chenbagaramanputhur,
Aralvaimozhi, Kanyakumari District.



WEB COPY



W.P.(MD).No.459 of 2024

L.VICTORIA GOWRI, J.

gbg

W.P(MD)No.459 of 2024

09.01.2024