



W.P.(MD)No.16252 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16252 of 2024

and

W.M.P.(MD).Nos.14130 & 14131 of 2024

Krishnan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
TASMAC,
CMDA Building,
Egmore,
Chennai-600 018.

2.The Senior Regional Manager,
The Senior Regional Manager Office,
Plot No.100, Anna Nagar,
Madurai.

3.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the third respondent in his proceedings in Na.Ka.No.002/2024/A-2, dated 12.07.2024 and quash the same insofar as



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transferring the petitioner from Shop No.3116, situated at Vathalagundu, Nelkottai Taluk, Dindigul and consequently directing the respondents to allow the petitioner to continue as Supervisor at Shop No.3117, situated at Sullerumbu, Dindigul District.

For Petitioner : Mr.S.I.Muthiah,
for Mr.T.Manikandan

For Respondents : Mr.H.Arumugam,
Standing Counsel

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.S.I.Muthiah, learned counsel appearing for the petitioner and Mr.H.Arumugam, learned Standing Counsel appearing for the respondents.

3. This Writ Petition has been filed challenging the order issued by the third respondent in his proceedings in Na.Ka.No.002/2024/A-2, dated 12.07.2024, through which, the petitioner has been reinstated from suspension but re-posted to some other shop.



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4. Mr.S.I.Muthiah, learned counsel appearing for the petitioner submitted that the petitioner has been placed under suspension on 04.04.2024 on the allegation that bulk quantity of liquor bottles are sold out from TASMACH Shop No.3117.

5. The petitioner has already filed a Writ Petition in W.P.(MD).No.8919 of 2024 challenging the order of suspension. In the said Writ Petition, an order has been passed on 08.04.2024 and this Court directed the petitioner to submit a fresh representation before the respondents for revoking the suspension order. Thereafter, the third respondent has passed an order revoking the petitioner's suspension and reinstated him and however, by posting him in some other shop.

6. Mr.T.Manikandan, learned counsel appearing for the petitioner submitted that when the petitioner has been given with charges and even before the enquiry was completed, the petitioner is transferred. So, it is claimed that it is a transfer by prejudice and it is a punishment transfer. At the time of suspension, the petitioner was working in Shop No.3117 and he is now transferred to Shop No.3116, but, in the same station.



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7. It is submitted that Shop No.3117 is situated at Sularambu, Dindigul District and the other Shop No.3116 is situated in Vathlakundu, Nilakottai Taluk. According to the petitioner, the distance between the shop No.3117 and Shop No.3116 would be more than 100 kilometres. It will be difficult for the petitioner to go and work in the new place. When the administrative contingencies require a transfer, irrespective of the pending disciplinary proceedings, it cannot be called as a punishment transfer. But the petitioner is said to have worked in the same shop for 21 years.

8. In such case, the petitioner cannot claim that he should be attached to one more shop in the district. The petitioner has been transferred only within the District. If he feels that he has got some family inconvenience and he has got some family circumstances which would require him to repost him at Shop No.3116, it is up to the petitioner to give a fresh representation to the third respondent and on receipt of the same, the third respondent shall pass orders.

9. In view of the above, the Writ Petition is **disposed** of, giving liberty to the petitioner to submit a fresh representation to the third respondent requesting for retransfer within a period of three weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent shall consider and



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pass orders on merits and in accordance with law within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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R.N.MANJULA, J.

TSG

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