

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.8316 to 8318 of 2018

and

W.M.P.Nos.10285 to 10287 of 2018

N.Karthick ..Petitioner in W.P.No.8316/2018
B.Palani ..Petitioner in W.P.No.8317/2018
T.Ramachandran ..Petitioner in W.P.No.8318/2018

Vs

- 1.Tamilnadu State Marketing Corporation Ltd.,
Rep.by its Managing Director,
CMDA Tower-II
4th Floor, Gandhi-Irwin Bridge Road,
Egmore, Chennai - 8.
- 2.The Senior Regional Manager,
Tamilnadu State Marketing Corporation Ltd., Chennai Region,
LLA Building, Anna Salai, Chennai - 2.
- 3.The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
Chennai South District,
SIPCOT Industrial Estate,
Ambattur, Chennai - 58. ..Respondents in all W.Ps

COMMON PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, calling for the records of the order dated 12.03.2018 passed by the 3rd respondent in Na.Ka.No.2165/A4/2018, quash the same and consequently forbear the respondents from transferring the petitioner to any other shop based on the above order dated 12.03.2018 and the circulars issued by the 1st respondent dated 2.01.2018 and as a measure of punishment, and thus render justice.

For Petitioner : M/s.V.Ajoy Khose(in all W.Ps)

For Respondents: Mr.P.Arumugarajan(in all W.Ps)

C O M M O N O R D E R

The order of Recovery dated 12.03.2018 issued by the District Manager is under challenge in these writ petitions.

2.The grievances of the writ petitioners are that at the time of the surprise inspection by the flying squad, the signature of admission was obtained forcibly by the officials concerned. This apart, no opportunity was provided to the writ petitioners even to defend their case before the authorities concerned.

3.The learned counsel appearing on behalf of the respondents produced the files by stating that the writ petitioners have voluntarily admitted the charges and therefore, they are not entitled for any relief as such sought for in these writ petitions.

4.The learned counsel for the writ petitioners state that any order affecting the right of an employee is to be passed after providing an opportunity atleast to defend his case. Admittedly, in the present case, no such opportunity was given and based on the signatures obtained by force, the impugned order of Recovery is issued.

5.Thus, this Court is of an opinion that it is a fit case for remittance. The writ petitioners must be given an opportunity to explain their stand in respect of recovery order passed by the respondent for the purpose of providing an opportunity. The respondents are directed to issue show cause notice to the writ petitioners within a period of two weeks from the date of receipt of a copy of this order and after receiving the explanation/objections from the writ petitioners, the authorities competent is at liberty to take a decision and pass orders on merits and in accordance with law based on the materials available on record. Till such time, a final order is passed ,the order of recovery need not be given effect to.

6.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

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To

1.The Managing Director,
CMDA Tower-II
Tamilnadu State Marketing
Corporation Ltd.,
4th Floor, Gandhi-Irwin Bridge Road,
Egmore, Chennai - 8.

2.The Senior Regional Manager,
Tamilnadu State Marketing
Corporation Ltd., Chennai Region,
LLA Building, Anna Salai, Chennai - 2.

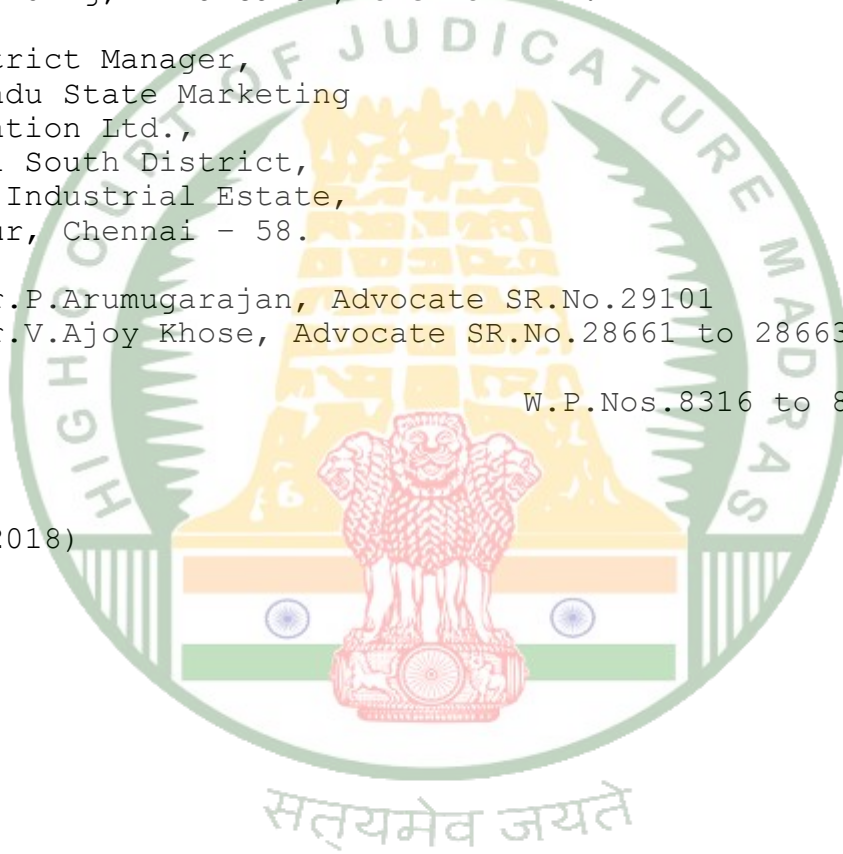
3.The District Manager,
Tamilnadu State Marketing
Corporation Ltd.,
Chennai South District,
SIPCOT Industrial Estate,
Ambattur, Chennai - 58.

+1cc to Mr.P.Arumugarajan, Advocate SR.No.29101

+3cc to Mr.V.Ajoy Khose, Advocate SR.No.28661 to 28663

W.P.Nos.8316 to 8318 of 2018

GJII (CO)
GN(07/05/2018)



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