



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.11.2018**

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P. (MD) No. 22612 of 2018

and

WMP (MD) No. 20493 of 2018

P. Selvakumar

...Petitioner

Vs.

The District Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
Madurai South,
Madurai District.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari calling for the records pertaining to the impugned order in Na.Ka.No.258/2018/D dated 16.10.2018 on the file of the respondent and quash the same as illegal.

For Petitioner: Mr. T. Lajapathi Roy

For Respondent: Mr. H. Arumugam

Standing Counsel

ORDER

The writ petition has been filed, seeking to quash the impugned order in Na.Ka.No.258/2018/D dated 16.10.2018 on the file of the respondent.

2. Mr. H. Arumugam, learned Standing Counsel, takes notice for the respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.

4. The writ petitioner herein is the Supervisor at TASMAC shop has been issued a show cause notice dated 16.10.2018, wherein, he has been called for to give his explanation regarding misappropriation of liquor worth around Rs. 2,72,640/- (Rupees Two Lakhs Seventy Two Thousand Six Hundred and Forty only). Contending that the proceedings against another person by name Selvam is now the subject matter of a pending writ petition and the impugned order disclose predetermined mind of the authority herein. Therefore, the petitioner may not be able to get fair and proper



justice, the present writ petition is filed.

5. The learned Counsel for the petitioner also relied upon the judgment reported in **(2010) 13 SCC 427** in the case of **Oryx Fisheries Private Limited Vs. Union of India**, wherein, the Hon'ble Supreme Court has quashed the disciplinary proceedings for the reason that the guilt of the appellant has been prejudged at the stage of show cause notice itself.

6. As far as in this case is concerned, it is only a show cause notice issued to the writ petitioner. In the said show cause notice the ground for calling for explanation is stated. It does not indicate the authority has prejudged or predetermined the issue even before issuance of show cause notice. Therefore, this Court finds no merits to entertain this writ petition. Hence, this writ petition is dismissed.

7. The learned Counsel for the petitioner submits that he has sought for some documents from the respondent so as to effectively give his explanation. He has not been furnished with those documents, if any such request made already or if the petitioner make any such representation that may be considered and the same may be furnished to the writ petitioner to enable the writ petitioner to give his explanation. On receipt of such explanation, the authority shall proceed in accordance with law. Time to furnish reply to show cause notice is extended to 15.12.2018.

8. With the above observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

The District Manager,
Tamil Nadu State Marketing Corporation Limited, (TASMAC),
Madurai South, Madurai District.

+ 1 CC TO MR.T.LAJAPATHI ROY , ADVOCATE IN SR NO.94886

+ 1 CC TO MR.H.ARUMUGAM, ADVOCATE IN SR NO.95167

RM

BU/SKN/SAR-IV :19.11.2018 : 2P/4C