

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019
CORAM

THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.10092 of 2019
and
W.M.P.No.10654 of 2019

G. Mathivanan

... Petitioner

vs

The District Manager,
TASMAC Limited,
Thiruvallur (East),
Chennai - 600 123.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the respondent in Ref.Na.Ka.No.1/0169/2019, dated 26.03.2019 (received on 29.03.2018) and quash the same.

For Petitioner : Mr.D. Bharathy

For Respondents : Mr.K.Sathish Kumar

ORDER

The case of the petitioner is that the petitioner joined as Supervisor in the respondent Corporation during the year 2004 in Shop No.9019 and Subsequently, he was transferred to Ambattur at Shop No.8902 and thereafter, transferred to Madhavaram at Shop No.8852. In the year 2017, he was transferred to Gumanchavadi Shop No.8852 and still he is working in the said Shop. On 25.01.2019, the officials of the respondent Corporation inspected the Shop No.8852 and after inspection, they insisted the petitioner to sign in the Inspection Report. Subsequently, the petitioner came to know that he was charged that he has sold excess of Rs.20/- for the bottle 1848 Brandy of 750 ml litre. The respondent issued a Show Cause Notice dated 29.01.2019 calling for the explanation in respect of charges of excessive sold of Rs.20/- of one bottle and insisted the petitioner to pay a penal amount without intimate the amount to be payable. For the abovesaid notice, on 08.02.2019, the petitioner submitted his explanation denying the charges. Without considering explanation, the respondent issued the impugned order dated 26.03.2019 imposing the punishment of penalty of Rs.11,800/- and transfer to TASMAC Godown without any valid reasons.

2.The learned counsel for the respondent Corporation would submit that on 25.01.2019, the Team headed by the District Manger, Kanchipuram (South) District, have inspected the Shop No.8852 and during the inspection, it was found that the liquor bottles were sold to an excess amount of Rs.740/- against the actual MRP amount is Rs.720/-. Hence, the respondent issued a Show Cause Notice dated 29.01.2019 to the petitioner calling for the explanation in respect of charges of excessive sold of Rs.20/- of one bottle. During the enquiry, the petitioner admitted the guilt and as per the existing rules, he was imposed with the punishment of penalty of Rs.11,800/- and the punishment of transfer to TASMAC Godown.

3.On perusal of the records, it is seen that the petitioner is working in the Tasmac retail vending Shop No.8852. During the inspection conducted by the Officials on 25.01.2019, they found that the liquor bottles were sold to an excess amount of Rs.740/- against the actual MRP amount is Rs.720/- and the petitioner has signed in the Inspection Report prepared by the Team on the same day. Thereafter, the respondent issued a Show Cause Notice dated 29.01.2019 calling for the explanation in respect of charges and the petitioner submitted his explanation on 08.02.2019 denying the charges. During the inspection, the petitioner has not made any refusal and he admitted the guilt and thereafter, the impugned order came to be passed. There is no material placed before this Court to prove his case.

Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mps
To
The District Manager,
TASMAC Limited,
Thiruvallur (East), Chennai - 600 123.

+1cc to Mr.K.Sathish Kumar, Advocate Sr.78581
+1cc to Mr.D.Bharathy, Advocate Sr.78721

W.P.No.10092 of 2019
and
W.M.P.No.10654 of 2019

mp[co]
srg 10/12/2019