

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED :13.09.2019  
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI  
W.P.No.27330 of 2019

&

W.M.P.Nos.26761, 26763 & 26764 of 2019

S.Jaisankar

..Petitioner

vs

1.Tamilnadu State Marketing  
Corporation Ltd.,  
Rep. by its Managing Director  
CMDA Tower-II  
4<sup>th</sup> Floor, Gandhi - Irwin Bridge Road  
Egmore, Chennai - 8.

2.The Senior Regional Manager  
Tamilnadu State Marketing  
Corporation Ltd.,  
Chennai Region LLA Building Campus,  
Annasalai  
Chennai 600 002.

3.The District Manager,  
Chennai (South) District  
Tamilnadu State Marketing  
Corporation Ltd.,  
B-4, Ambattur Industrial Estate  
Chennai - 600 058.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order in Na.Ka.No.4555/A4/2019 dated 01.03.2019; the order in Na.Ka.No.A4/4838/2019 dated 10.04.2019 and the proceedings in Na.Ka.No.4555/A4/2019 dated 07.05.2019 of the 3<sup>rd</sup> respondent asking the petitioner to remit a sum of Rs.2,41,741/-, that is, 1/5<sup>th</sup> of Rs.12,08,702/- towards the total shortage of cash, fine, interest and GST and for a direction to reinstate the petitioner with effect from 01.03.2019 with continuity of service, back-wages and all other attendant benefits and not to insist petitioner for payment of the above amount towards 1/5<sup>th</sup> share of shortage of cash, fine, interest and GST, without holding any enquiry and without proving the charges and petitioner's

responsibility for payment of any amount, as per the Tamilnadu Model Standing Order.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.P.Arumugarajan  
SC for TASMAL

#### O R D E R

The prayer sought for in this Writ Petition is to call for the records pertaining to the order in Na.Ka.No.4555/A4/2019 dated 01.03.2019; the order in Na.Ka.No.A4/4838/2019 dated 10.04.2019 and the proceedings in Na.Ka.No.4555/A4/2019 dated 07.05.2019 of the 3<sup>rd</sup> respondent asking the petitioner to remit a sum of Rs.2,41,741/-, that is, 1/5<sup>th</sup> of Rs.12,08,702/- towards the total shortage of cash, fine, interest and GST and for a direction to reinstate the petitioner with effect from 01.03.2019 with continuity of service, back-wages and all other attendant benefits and not to insist petitioner for payment of the above amount towards 1/5<sup>th</sup> share of shortage of cash, fine, interest and GST, without holding any enquiry and without proving the charges and petitioner's responsibility for payment of any amount, as per the Tamilnadu Model Standing Order.

2. The case of the petitioner is that he was working as a Salesman in Shop No.984 (TASMAL). Thereafter, the 3<sup>rd</sup> respondent transferred the petitioner to Shop No.29 (TASMAL) on temporary basis/deputation. While so, on 27.02.2019 and 05.03.2019, the inspections were stated to have been made in Shop No.984 and found there was shortage in stock. Thereafter, the 3<sup>rd</sup> respondent put the petitioner under suspension and issued charge memo and directed the petitioner to remit the shortage of amount with fine, interest and GST. Challenging the said order, the present Writ Petition is filed.

3. Mr.V.Ajoy Khose, learned counsel for the petitioner would submit that the petitioner was deputed to Shop No.29 by the 3<sup>rd</sup> respondent and he was working in that shop from 29.12.2018. Though, the petitioner was deputed to Shop No.29, he is affixing his signature in the register of Shop No.984 as it is the parent shop of newly opened Shop i.e., Shop No.29. Hence the petitioner is no way connected to the shortage of amount, which has been found in Shop No.984 during the inspections dated 27.02.2019 and 05.03.2019. He would also contend that the 3<sup>rd</sup> respondent without holding any enquiry against the petitioner placed him under suspension and issued charge memo directing him to remit a sum of Rs.1,86,860/- to the District Manager, Chennai (South), is in violation of principles of natural justice.

4. Heard the learned counsel for the petitioner and the Standing counsel for the respondents.

5. This Court perused the documents on record, which reveals that surprise inspections were held on 27.02.2019 and 05.03.2019 and it was found that Rs.7,49,072/- was shortage. It further reveals that the petitioner was deputed to shop No.29 by the 3<sup>rd</sup> respondent and he was working there from 29.12.2018 onwards. It is also seen that the petitioner affixed his signature in the register of Shop No.984, which gives raise to the suspicion in the minds of this Court. The submission made by the learned counsel for the petitioner that the petitioner was affixing his signature only in the register of Shop No.984, since it is the parent shop of newly opened shop, cannot be countenanced.

6. Considering the facts and circumstances of the case, I am inclined to give direction to the 3<sup>rd</sup> respondent to conduct enquiry first and pass appropriate orders on merits. After conducting the enquiry, if the petitioner is found guilty, he is liable to pay the fine amount. The petitioner is directed to co-operate with the authorities for the enquiry to be conducted. The said exercise shall be completed within a period of 4 weeks from the date of receipt of a copy of this Order.

7. The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-  
Asst.Registrar (CJ Conf)

/true copy/

सत्यमेव जयते  
Sub Asst. Registrar

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To

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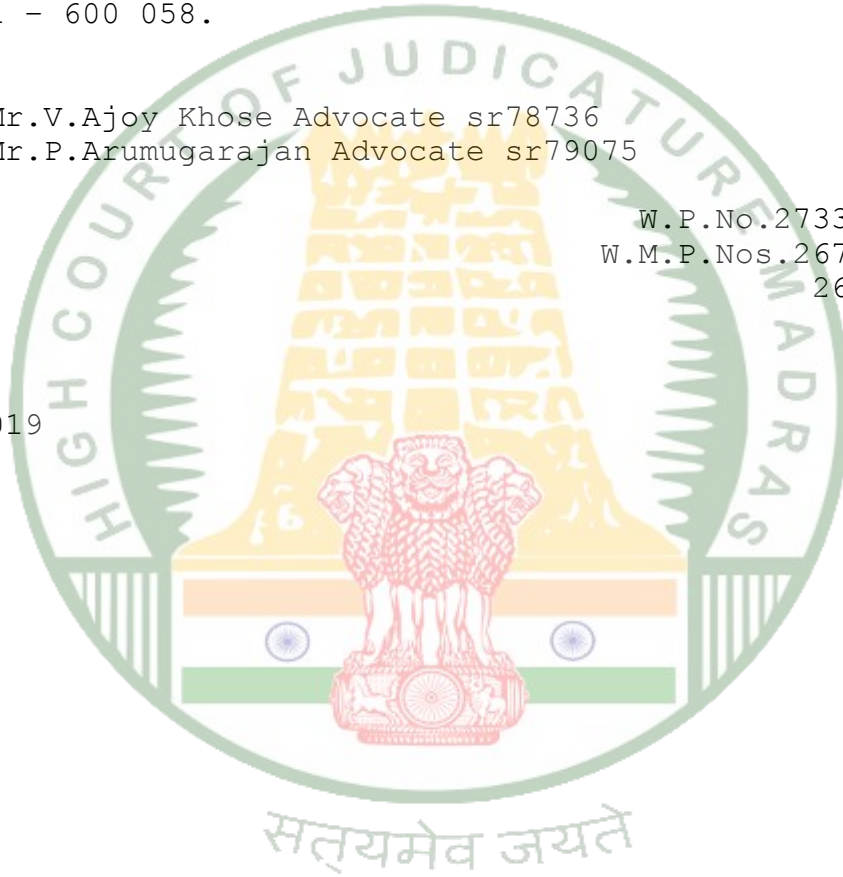
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Corporation Ltd.,  
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+1 cc to Mr.V.Ajoy Khose Advocate sr78736  
+1 cc to Mr.P.Arumugarajan Advocate sr79075

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