

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM:

THE HON'BLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.8562 of 2020
& WMP No.10352 of 2020

A.Palanivel

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC),
Head Office, CMDA Tower-II, IV Floor,
Gandhi Irwin Road, Egmore, Chennai 600 008
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC),
Salem Region, Salem - 16
3. The District Manager / Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC),
Namakkal District

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent to consider the petitioner's explanation, dated 03.06.2020 and drop the impugned charge memo N.Ka.No.245/PI/CV/2020-I dated 27.05.2020 issued by the third respondent to the petitioner.

For Petitioner : Mr. P.Vimal Raj
For Respondents : Mr. K.Sathishkumar, Standing Counsel

O R D E R

Today, this matter came up for admission before this Court through Video Conference CISCO Webex Meeting. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. According to the petitioner, he joined as Shop Supervisor in TASMAC, Namakkal on 18.10.2007 and is now working in such capacity in the Shop No.5910 at Mayampilliar Kovil Road, Nallipalayam, Namakkal District. On account of the continuous lock down declared by both the Central and State Governments from 18.00 hours of 24.03.2020 to 06.00 hours of 01.04.2020 due

to COVID-19, on 24.03.2020, the respondent authorities orally directed the petitioner to produce sales details and account ledger before 6.00pm on the same day. However, the petitioner was unable to comply with the said direction within the time stipulated and he closed the accounts and deposited the sale amount of Rs.1,91,670/- before 4.00pm, on 26.03.2020 and Rs.3,12,420/- towards subsequent sale amount between 4.00pm and 6.00pm, on 21.04.2020, as directed by the third respondent. While so, he was issued with a charge memo dated 27.05.2020, framing three charges against him. Upon receipt of the same, the petitioner submitted his explanation on 03.06.2020 and the same is pending without any consideration. Hence, he has approached this Court with the present writ petition seeking a direction to the respondents to consider the said explanation and pass appropriate orders.

3. Heard the learned counsel for the petitioner, who submitted that there is no shortage of final stock value and the entire sale amount was deposited by the petitioner and the same was also informed to the respondent authorities. However, he was issued with the impugned charge memo, to which the petitioner submitted his explanation on 03.06.2020. Without considering the same, the respondent authorities are proceeding to impose punishment on the petitioner.

4. Refuting the submissions so made by the learned counsel for the petitioner, Mr. K. Sathishkumar, learned standing counsel, taking notice for the respondents submitted that the respondent authorities would consider the explanation submitted by the petitioner and pass appropriate orders, on merits and as per law.

5. Considering the limited scope of the prayer made herein, this Court, without going into the merits of the case, directs the respondent authorities to consider the explanation dated 03.06.2020 submitted by the petitioner and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently the connected WMP is closed.

s/d-

Assistant Registrar (CS V)

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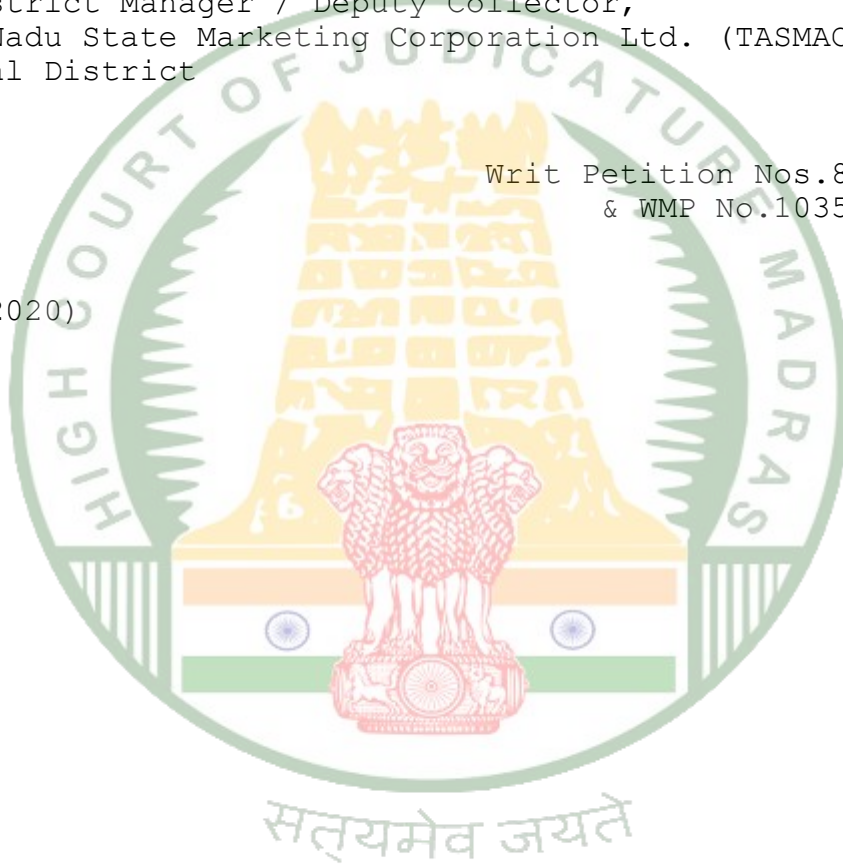
Sub-Assistant Registrar

To

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RLD(CO)
SP(31/07/2020)



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