

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.07.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.8854 of 2020
and
W.M.P.No.10763 of 2020

T.Palanisamy

...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 Section Article 226 of the Constitution of India praying Writ of mandamus, directing the third respondent to consider the petitioner's explanation dated 04.06.2020 and drop the impugned charge memo N.Ka.No.314/P1/CV/2020-I dated 27.05.2020 issued by the third respondent to the petitioner.

For Petitioner : Mr.P.Vimal Raj

For Respondent : Mr.K.Sathish Kumar, SC

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ORDER

(The matter is taken up through web hearing)

This writ petition has been filed with the following prayer:
to direct the third respondent to consider the petitioner's explanation dated 04.06.2020 and drop the impugned charge memo

N.Ka.No.314/P1/CV/2020-I dated 27.05.2020 issued by the third respondent to the petitioner.

2. According to the petitioner, he is working as a Supervisor in Namakkal District under the control of the third respondent. While working as such, he was issued with a charge memo dated 27.05.2020, alleging certain acts of misconduct and the petitioner was directed to give his explanation. According to the petitioner, in response to the charge memorandum, he has given his explanation/representation on 04.06.2020. While the disciplinary action was pending, the petitioner has come forward with this writ petition, seeking a direction to the third respondent to accept his explanation and drop further action against him in pursuance of the charge memorandum, dated 27.5.2020.

3. This Court is unable to appreciate as to how such prayer could be considered and the writ petition to be maintained when the fact of the matter is a charge memo is issued and explanation is offered by the petitioner. It is for the authority concerned to take into consideration the representation said to have been submitted by the petitioner and act accordingly.

4. It is certainly not for this Court, exercising its extraordinary jurisdiction under Art 226 of the Constitution, to direct any authority to accept the petitioner's representation as if his explanation is a gospel truth. It is entirely within the concern of the authority to appreciate the factual explanation given by the petitioner and it is for the authority to take further action in the matter. It is not for this Court to intervene at this stage and stall further action that could be taken against the petitioner by the respondent.

5. On the whole, the writ petition is highly misconceived and the same is liable to be rejected outright. Therefore, the writ petition is dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

msh/mrm

To

1. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
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3. The District Manager/Deputy Collector,
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Namakkal District.

W.P.No.8854 of 2020

SSV(CO)

GS(24/08/2020)



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