

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.07.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.8815 of 2020
and
WMP No.10699 & 10700 of 2020

S.Jayabalan

...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)
Trichy Region, Trichy - 08.
3. The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Cuddalore, Cuddalore District.

....Respondents

Prayer: Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Certiorarified mandamus, to call for the records pertaining to the impugned proceedings passed by the 3rd respondent in Letter No.A4(RV)/531/2020 dated 22.05.2020 and quash the same and direct the third respondent to repay the 24% interest and 18% GST to the petitioner.

For Petitioner : Mr.S.Kolandasamy

For Respondent : Mr.K.Sathish Kumar, SC

ORDER

(The matter is taken up through web hearing)

This writ petition has been filed with the following prayer:
to call for the records pertaining to the impugned proceedings passed by the 3rd respondent in Letter No.A4(RV)/531/2020 dated 22.05.2020 and quash the same and direct the third respondent to repay the 24% interest and 18% GST to the

petitioner.

2.The petitioner is working as a Supervisor under the respondent Corporation. He has come forward with this writ petition challenging the show cause notice dated 22.05.2020 calling upon him to explain as to why recovery cannot be made from him for certain acts of misconduct for the loss suffered by the Corporation, at his instance. According to the petitioner, he was not responsible for the loss and therefore, the impugned show cause notice is liable to be interfered with.

3.This Court is unable to appreciate as to how it can embark upon into the factual controversy as to whether the petitioner was responsible for the loss suffered by the Corporation or not. When a show cause notice was issued of this nature, it is for the employee concerned to submit a suitable explanation, and thereupon, when a final order is passed, it is possible for the employee to question the final order.

4.On the other hand, in a matter of this nature, an employee cannot rush to this Court and invoke the Extraordinary jurisdiction under Article 226 of the Constitution of India. The writ petition is premature and the show cause notice cannot be challenged on the ground of factual assertion or self-serving averments.

5.In the above circumstances, the writ petition is not maintainable and the same is dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk/mrm

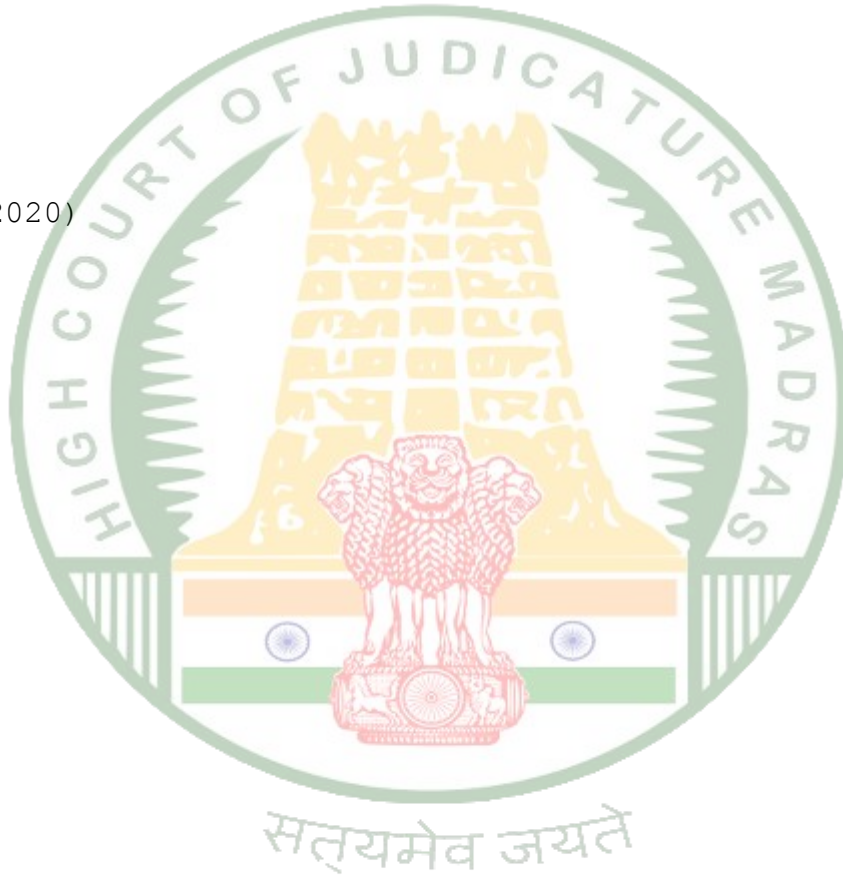
To

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Cuddalore District.

W.P.No.8815 of 2020

SSV(CO)
GS(24/08/2020)



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