

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.9074 of 2020
and

WMP Nos.11054 to 11056 of 2020

1.M.Masilamani
2.V.Poongavanam
3.K.Arunan
4.K.Asaithambi

...Petitioners

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,
Tamil Nadu State Marketing Corporation Ltd.,
TASMAC,
Tiruvannamalai District.

...Respondents

Prayer:

Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Certiorari, to call for the records relating to the Order No.Ka.Ka.R.V.6/531/2020. Dated 22.06.2020 passed by the 3rd respondent herein and quash the same.

For Petitioners : Mr.M.Gnanasekar

For Respondents : Mr.Arumugha Rajan

ORDER

The matter is taken up through web hearing.

2.This writ petition is filed with the following prayer:

"To call for the records relating to the Order No.Ka.Ka.R.V.6/531/2020, dated 22.06.2020 passed by the 3rd respondent herein and quash the same".

3.The first petitioner is working as a Supervisor and the petitioners 2 to 4 are working as Salesmen under the respondent Corporation. They have come forward with this writ petition challenging the show cause notice dated 22.06.2020, calling upon them to explain as to why recovery cannot be made from them for certain acts of misconduct for the loss suffered by the Corporation, at their instance. According to the petitioners, they were not responsible for the loss and therefore, the impugned show cause notice is liable to be interfered with.

4.This Court is unable to appreciate as to how it can embark upon into the factual controversy as to whether the petitioners were 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.

5.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.

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

Sd/-
Assistant Registrar(CS III)
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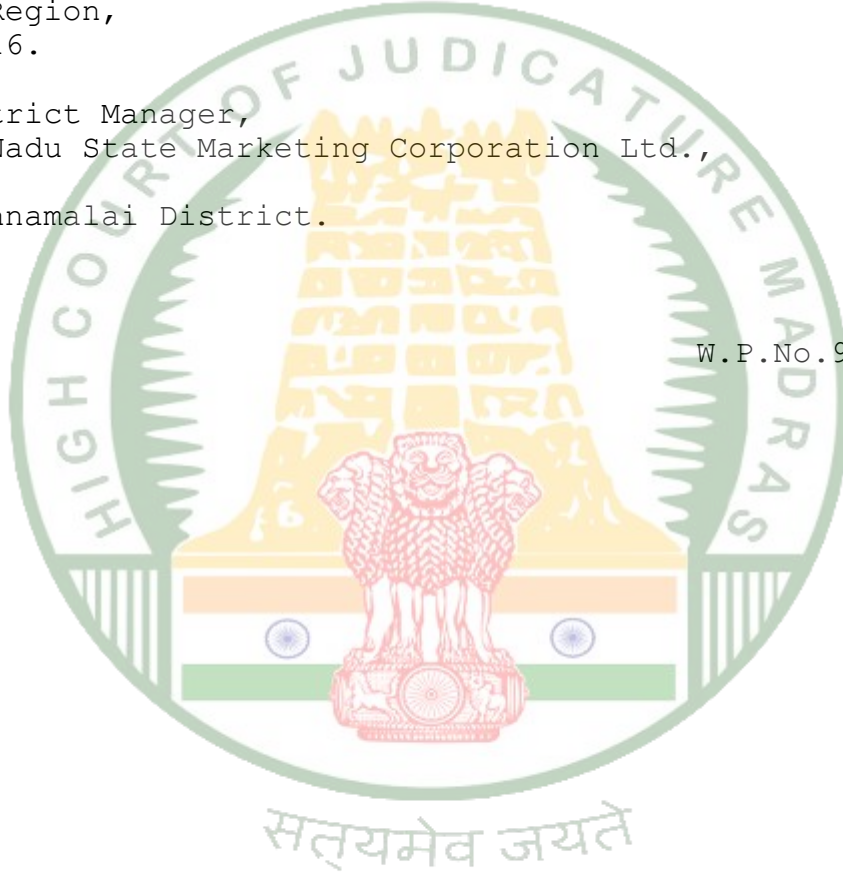
Sub Assistant Registrar

To

- 1.The Managing Director,
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TASMAC,
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W.P.No.9074 of 2020



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