

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.08.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP Nos.10681 and 10572 of 2020
and WMP Nos.12973, 12974,
12847 & 12850 of 2020

1. Ragavan ... Petitioner in WP No.10681/20
2. Damodaran ... Petitioner in WP No.10572/20

Vs

1. Tamilnadu State Marketing Corporation Ltd.,
Represented by its Managing Director,
CMDA, Tower-II, 4th Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.

2. The Senior Regional Manager,
Tamilnadu State Marketing Corporation Ltd.,
Salem Region,
No.56, Brindavan Road,
Fairlands, Salem-16.

3. The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
Vellore District,
National Theatre opposite,
Katpadi Road, Vellore.

... Respondents in both WPs.

Common Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned orders passed by the 3rd respondent vide in Na.Ka.No.A7/146/CV/2020 dated 20.05.2020, quash the same.

For Petitioner : Mr.S.Kaviarasu
in both Wps

For Respondents: Mr.Arumugarajan
in both WPs Standing counsel for TASMACH

C O M M O N O R D E R

These writ petitions are taken up through web hearing.

2. Both the writ petitions are filed seeking for the following prayer:

"for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 3rd respondent vide in Na.Ka.No.A7/146/CV/2020 dated 20.05.2020, quash the same."

3. The petitioners are herein challenging the orders dated 20.05.2010 issued for certain acts of misconduct, wherein they have been directed to pay penalty for the shortage of stocks in store, to the tune of Rs.2,97,057/- and Rs.2,08,848/-, respectively, to be paid within 24.05.2020. The Corporation noticed certain short fall, in the shops where the petitioners were employed as Shop Supervisors, for which the petitioners had not properly accounted for. Therefore, the impugned order was issued.

4. The principal contention on the part of the petitioners was that no notice was issued before passing the impugned orders and as per the regulations governing the service conditions of the Corporation Employee, notice should have been issued before any adverse order is passed.

5. In this regard, the learned counsel appearing for the petitioners would submit that in an identical issue, in respect of another employee of the respondent Corporation, the Madurai Bench of the High Court, vide its order dated 19.06.2020 in WP (MD) No.6922 of 2020, set aside a similar order and granted liberty to the respondents to issue fresh show cause notice to the petitioner therein in terms of the rule position.

6. The learned standing counsel appearing for the Corporation Mr.Arumugharajan, would acknowledge that no notice was issued to the petitioners before passing the impugned orders.

7. In view of the admitted position that no notice was given to the petitioners before passing the impugned orders, on that short ground, the writ petitions are liable to be allowed.

8. In the said circumstances, the impugned orders dated 20.05.2020 in Na.Ka.No.A7/146/CV/2020, are hereby set aside and the writ petitions are allowed. It is open to the Corporation to initiate departmental action afresh against the petitioners

by conforming to the established principles of natural justice and also complying with the rule position, if the Corporation is so advised. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
Tamilnadu State Marketing Corporation Ltd.,
CMDA, Tower-II, 4th Floor,
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srg 05/10/2020

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