

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.Nos.10675 & 9386 of 2020

&

W.M.P.Nos.12961, 12962, 11470 & 11473 of 2020

M.Kaliyan ...Petitioner in W.P.No.10675/2020

M.Kabilan ...Petitioner in W.P.No.9386/2020

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC) - Head Office,
CMDA Tower - II, 4th floor,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC), Trichy Region,
Trichy.

3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC), Cuddalore,
Cuddalore District.

...Respondents in both WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings passed by the 3rd respondent in order No.A4(RV)/531/2020 dated 22.05.2020 & 08.04.2020, respectively, and quash the same and direct the 3rd respondent to repay said amount of Rs.30,997/- & Rs.4,824/-, respectively, to the petitioners.

For Petitioners : Mr.M.Gnanasekar
(in both WPs)

For Respondents : Mr.K.Sathish Kumar, SC
(in both WPs)

COMMON ORDER

These matters are taken up through web hearing.

2. These writ petitions are filed with the following prayer;

"to call for the records pertaining to the impugned proceedings passed by the 3rd respondent in order No.A4(RV)/531/2020 dated 22.05.2020 & 08.04.2020, respectively, and quash the same and direct the 3rd respondent to repay said amount of Rs.30,997/- & Rs.4,824/-, respectively, to the petitioners."

3. When the matters are taken up for hearing it is found that the proceedings, which is impugned in the writ petitions, is only a show cause notice directing the petitioners to show cause within seven days as to why final orders need not be passed for certain lapses committed by them in discharge of their duties as employees of the respondent Corporation. Instead of submitting a reply to the show cause notice, the petitioners have approached this Court directly and pray for quashing of the proceedings. This Court is of the view that without giving an explanation to the show cause notice, this Court cannot be compelled to intervene at this stage only on the basis of the averments of the petitioners. This Court, even otherwise does not find any legal infirmity in intervening at this stage.

4. At this, the learned counsel for the petitioners would submit that a direction may be issued to the respondent to consider the explanation to be submitted by the petitioners to the impugned proceedings within a time to be stipulated by this Court and the writ petitions may be disposed of accordingly.

5. The learned counsel appearing for the respondent, on instructions, submitted that he would have no objection for such direction to be issued.

6. In view of the above submission, the petitioners are directed to submit their explanation to the show cause notice, dated 22.05.2020 and 08.04.2020, respectively, within a period of one week from the date of receipt of copy of this order. On such explanation being submitted, the third respondent is directed to consider the explanation on merits and in accordance with law and pass final orders within a period of four weeks thereafter.

7. The writ petitions stand disposed of as indicated above. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

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W.P.No.10675 & 9386 of 2020

A.SK(06/11/2020)



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