

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.10670 of 2020

&

W.M.P.Nos.12957 & 12958 of 2020

R.Pandian

...Petitioner

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/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd.,
Cuddalore, Cuddalore District.

...Respondents

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 and quash the same and direct the 3rd respondent to repay said amount Rs.19,475/- to the petitioner.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.Arumuga Rajan, SC

ORDER

The matter is taken up through web hearing.

2.The writ petition is filed with the following prayer;
"to call for the records on the file of the respondent in Na.Ka.A4/531/2020, dated 22.05.2020 and quash the same."

3.When the matter is taken up for hearing it is found that the proceedings, which is impugned in the writ petition, is only a show cause notice directing the petitioner to show cause within three days as to why final orders need not be passed for certain lapses committed by him in discharge of his duties as employee of the respondent Corporation. Instead of submitting a reply to the show cause notice, the petitioner has approached this Court directly and prays 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 petitioner. This Court, even otherwise does not find any legal infirmity in the impugned proceedings, warranting interference by this Court at this stage.

4.At this, the learned counsel for the petitioner would submit that a direction may be issued to the respondent to consider the explanation to be submitted by the petitioner to the impugned proceedings within a time to be stipulated by this Court and the writ petition 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 petitioner is directed to submit his explanation to the show cause notice, dated 14.07.2020, within a period of one week from the date of receipt of copy of this order. On such explanation being submitted, the 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 petition stands disposed of as indicated above. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

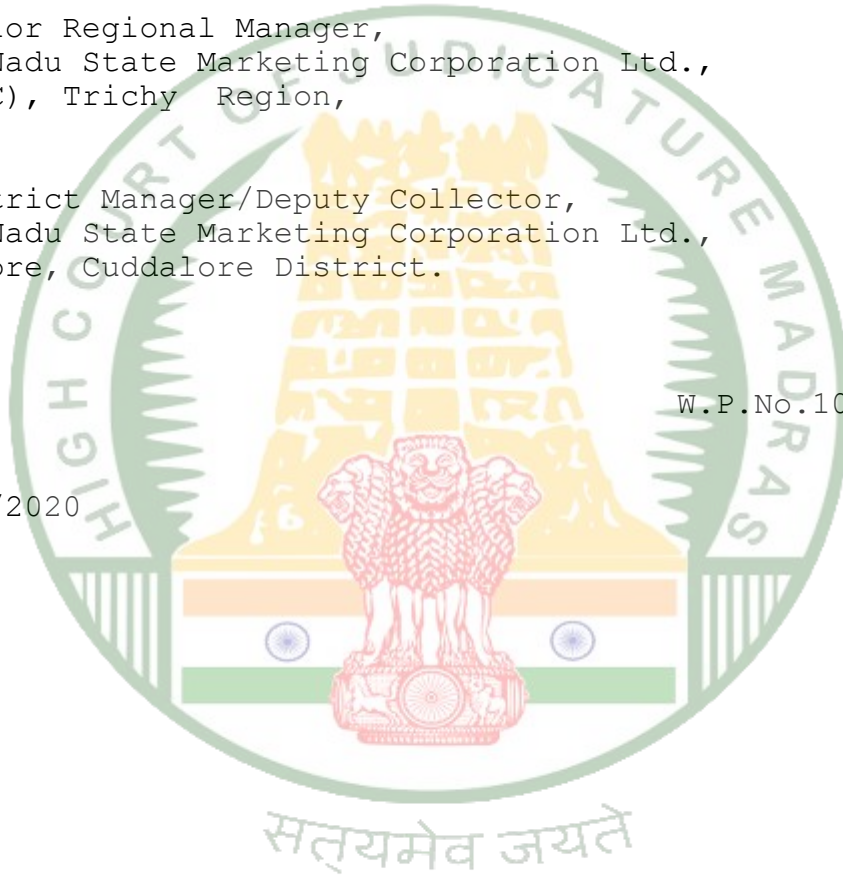
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srg 24/09/2020



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