

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.12.2020

CORAM:

THE HONBLE MR. JUSTICE V.PARTHIBAN

WP No.18215 of 2020
& WMP Nos.22618 & 22619 of 2020

Elumalai

...Petitioner

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.,
Trichy Region,
District Collector Office,
Old Building, First Floor,
DRO Chamber,
Trichy-620 001.

3. The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
No.59A, Compartment No.II,
Chennai Trunk Road,
Villupuram District.

...Respondents

Prayer: This Writ Petition is 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.A5/04/2020 dated 21.05.2020, and quash the same.

For Petitioner : Mr.K.S.Kaviarasu
For Respondents: Mr.K.Sathish Kumar
Standing counsel for TASMACH

ORDER

This writ petition is taken up through web hearing.

2. The writ petition is 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.A5/04/2020 dated 21.05.2020, and quash the same''

3. The petitioner herein is challenging the impugned order dated 21.05.2010 issued for certain acts of misconduct, wherein he has been directed to pay penalty for the shortage of stocks in store, to the tune of Rs.2,06,102/- to be paid within 31.05.2020. The Corporation noticed certain short fall, in the shop where the petitioner was employed as Shop Supervisor, for which the petitioner has not properly accounted for. Therefore, the impugned order was issued.

4. The principal contention on the part of the petitioner was that no notice was issued before passing the impugned order 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 petitioner 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 petitioner before passing the impugned order.

7. In view of the admitted position that no notice was given to the petitioner before passing the impugned order, on that short ground, the writ petition is liable to be allowed.

8. In the said circumstances, the impugned order in Na.Ka.No.A5/04/2020 dated 21.05.2020, is hereby set aside and the writ petition is allowed. It is open to the Corporation to initiate departmental action afresh against the petitioner 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

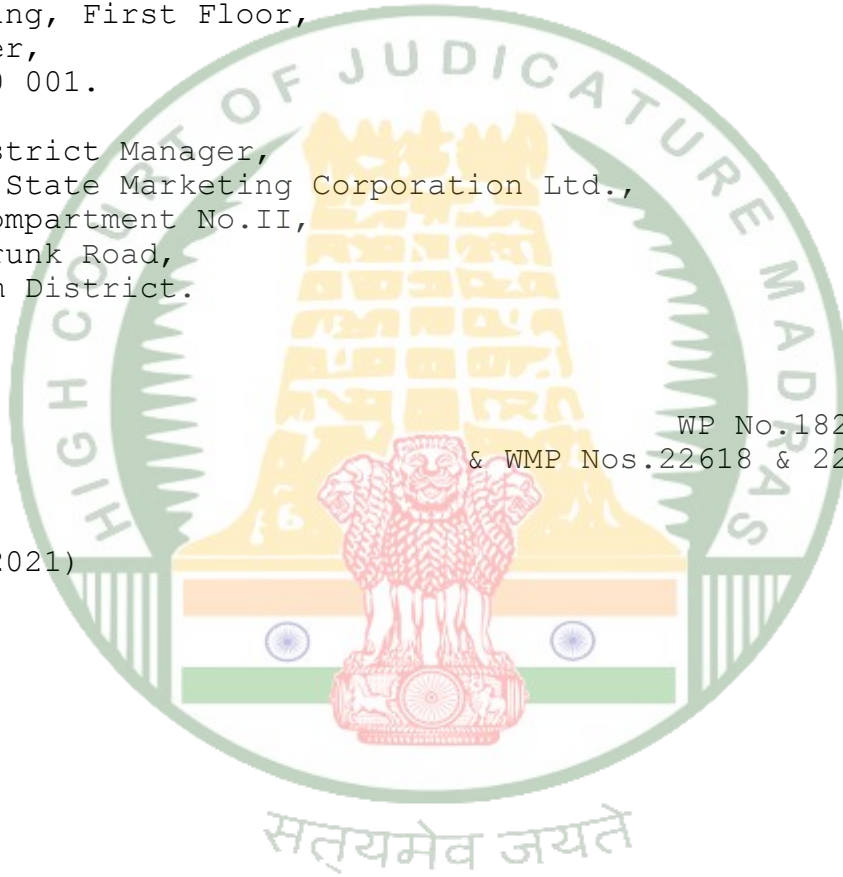
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MG(CO)
SP(21/01/2021)



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