

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.17959 of 2020

and

WMP Nos.22277 & 22279 of 2020

Siva Kumar

...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.,
Salem Region,
No.56, Brindavan Road,
Fairlands,
Salem-16.

3. The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
Katpadi Road,
Vellore 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.A2/146/CV/2020 dated 14.07.2020, and quash the same.

For Petitioner : Mr.K.S.Kaviarasu

For Respondents: Mr.P.Arumugarajan
Standing counsel for TASMAL

ORDER

The matter is taken up through web hearing.

2.This writ petition is filed with the following prayer:
' to issue a Writ of Certiorari, calling for the records pertaining to the impugned orders passed by the 3rd respondent vide in Na.Ka.A2/146/CV/2020 dated 14.07.2020, and quash the same'.

respondent Corporation. He has come forward with this writ petition challenging the show cause notice dated 14.07.2020 calling upon him to explain as to why recovery cannot be made from him for certain acts of misconduct for the loss suffered by the Corporation, at his instance. According to the petitioner, he was 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 petitioner was 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. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
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CP (CO)
GN (07/01/2021)



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