



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2020

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)Nos.3481 and 3492 of 2020

and

WMP(MD)Nos.2942, 2943, 2957 and 2958 of 2020

Palaniandi
Tamilselvan

... Petitioner in WP(MD).3481/2020
... Petitioner in WP(MD).3492/2020

vs.

- 1)The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd.,
4th Floor, CMDA Towers,
Egmore, Chennai.
- 2)The Senior Regional Manager,
Office of the Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd.,
Tiruchirappalli.
- 3)The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd.,
Tiruchirappalli. ... Respondents in both Wps

Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned proceedings issued by the 3rd respondent in Se.Mu.No. 0169 and 0149/C.V-2/2020 dated 13.02.2020 & 11/02/2020 and quash the same.

In both WPs:

For Petitioners : Mr.P.Vetrivel
For Respondents : Mr.B.Jameel Arasu, Standing Counsel

COMMON ORDER

These writ petitions have been filed for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned proceedings issued by the 3rd respondent in Se.Mu.No. 0169 and 0149/C.V-2/2020 dated 13.02.2020 & 11/02/2020 and quash the same.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The petitioners would submit that they are working as salesman in the respondent TASMAL shops. On 20.01.2020, the Flying Squad of the respondent corporation conducted a raid and recorded statements that the petitioners have sold the beer bottles in excess of Rs.10/- from the MRP price. According to the petitioners, they were made to sign in the above statements by coercion and force. While so, the 3rd respondent has passed the impugned orders directing the petitioners to pay the fine amount immediately and also sought for explanation within 7 days as to why disciplinary proceedings cannot be initiated against them. Against such orders, present writ petitions have been filed and this Court finding that the impugned orders have been passed without any notice calling the petitioners' explanation, by order dated 24.02.2020 has granted interim stay of the impugned orders.

3.Today, when the writ petitions are taken up for hearing, learned counsel for the respondent would fairly state that the impugned orders have been passed without issuing any show cause notice to the petitioners and therefore, would pray for setting aside the same and to remand the matter back to the respondents for fresh adjudication.

4.Recording the above submission, the impugned proceedings issued by the 3rd respondent in Se.Mu.No. 0169 and 0149/C.V-2/2020 dated 13.02.2020 & 11/02/2020 are set aside and the matter is remanded to the 3rd respondent who can pass fresh orders only after giving show cause notice to the petitioner and after considering their explanations.

With the above direction, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1)The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAL) Ltd.,
4th Floor, CMDA Towers,
Egmore, Chennai.



2) The Senior Regional Manager,
Office of the Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd.,
Tiruchirappalli.

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

+2 CC to M/s.B.JAMEEL ARASU, Advocate (SR-10739 & 10740[F] dated
10/03/2020)

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TE : 18/03/2020 : 3P/6C

COMMON ORDER MADE IN
W.P(MD)Nos.3481 and 3492 of 2020
DATED : 09.03.2020