



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.03.2020
CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**W.P (MD) No.4342 of 2020
and
W.M.P (MD) No.3651 of 2020**

K.Ravi

... Petitioner

Vs.

1.The Managing Director,
The Tamil Nadu State Marketing
Corporation Limited,
Head Quarters,
4th Floor, CMDA Tower - 2,
Egmore, Chennai - 600 008.

2.The Senior Zonal Manager,
District Collector,
The Tamil Nadu State Marketing
Corporation Limited,
Tiruchirappalli Division,
Trichy.

3.The District Manager,
The Tamil Nadu State Marketing
Corporation Limited,
Pudukottai District.

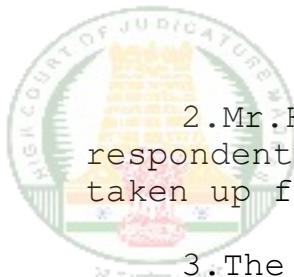
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the 3rd respondent in his proceedings in Na.Ka.No.A3/2904/(3)2019 dated 20.2.2020 and quash the same and pass such further or other orders.

For Petitioner : Mr.M.Jothibas
For Respondents : Mr.H.Arumugam

ORDER

This writ petition has been filed for issuance of a Writ of Certiorari to call for the records of the 3rd respondent in his proceedings in Na.Ka.No.A3/2904/(3)2019 dated 20.2.2020 and quash the same.



2.Mr.H.Arumugam, learned counsel takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the petitioner was appointed as a Salesman 29.11.2003 in the respondent Corporation on 29.11.2003 and at the time of appointment, the salary is Rs.1,000/- per month. The State Government has increased the salary of the employees periodically. The present gross salary of the petitioner is Rs.10,100/- per month. Now, the petitioner is working as Salesman in TASMAC shop No.6734 from 23.02.2019 onwards. Totally there are 2 salesmen and 2 supervisors are working in the shop and the supervisor is having administrative control over the shop. On 13.12.2019, the District Manager, TASMAC, Nagapattinam has conducted a surprise inspection in the shop and compelled the petitioner to make signature in the blank papers. The allegation is that the petitioner has sold the Accord Brandy Bottle more than the value of market rate price.

4.According to the petitioner, on 21.12.2019, the 3rd respondent passed an order, directing him to pay a sum of Rs.11,800/- as fine, upon which, he also paid Rs.5,900/- on 30.12.2019. Thereafter, on 03.02.2020, he was directed to pay the remaining fine amount without prejudice to any show cause notice. On 20.02.2020, the 3rd respondent has passed the impugned order of suspension. Against which, the present writ petition has been filed.

5.The learned counsel for the petitioner submitted that the 3rd respondent has not followed their own Circular in Na.Ka.No.R-2/14589/2018, dated 21.01.2019, but has placed the petitioner under suspension.

6.The learned counsel appearing for the respondents submitted that the petitioner has paid only Rs.5,000/- and the remaining fine amount of Rs.5,900/- is yet to be paid by the petitioner and as he has failed to do so, disciplinary proceeding has been initiated against him as per the Circular.

7.Though the learned counsel for the petitioner has sought for larger relief, the learned counsel for the petitioner prayed that without prejudice to the disciplinary proceedings, the petitioner is ready to pay the balance amount and as per the Circular dated 21.01.2019, prayed to the transfer of the petitioner to some other shop and also prayed for completion of disciplinary proceeding within a time frame, for which, the learned counsel for the respondents has no serious objection.

8.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.



9.Considering the submission of the learned counsel for the petitioner and the Circular, dated 21.01.2019, without prejudice to the disciplinary proceedings, the petitioner is directed to pay the remaining fine amount within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the 3rd respondent is directed to revoke the impugned suspension order and transfer the petitioner to some other TASMAC shop as per Clause - 2 of the above Circular dated 21.12.2019 within a period of one week thereafter and also complete the disciplinary proceedings within a period of six months from the date of receipt of a copy of this order.

10.With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn

To

1.The Managing Director,
The Tamil Nadu State Marketing
Corporation Limited,
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2.The Senior Zonal Manager,
The Tamil Nadu State Marketing
Corporation Limited,
Tiruchirappalli Division,
Trichy.

3.The District Manager,
The Tamil Nadu State Marketing
Corporation Limited,
Pudukottai District.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-9509[F] dated 02/03/2020)

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-9836[F] dated 03/03/2020)

ORDER MADE IN

W.P(MD)No.4342 of 2020

02.03.2020

MK (16.03.2020) 3P 6C

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