



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2020

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P(MD)No.4378 of 2020
and
W.M.P(MD)No.3680 of 2020

S.Ganesan

.. Petitioner

Vs.

The Deputy Collector/District Manager
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Theni District

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned memo vide Na.Ka.No.155/2020/m dated 25.02.2020 on the file of the respondent and quash the same.

For Petitioner : Mr.R.Venkateswaran

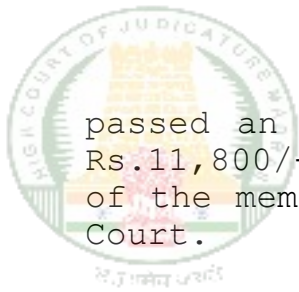
For Respondents : Mr.B.Jameel Arasu

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent in his proceedings in Na.Ka.No.155/2020/m dated 25.02.2020 and quash the same.

2.Mr.B.Jameel Arasu, learned counsel takes notice for the respondent. 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 working as a Salesman in the TASMAC Shop No.8602 at G.Usilampatti, Aundipatti Taluk. On 18.01.2020, the District Manager, TASMAC, Thoothukudi has conducted a surprise inspection in the shop and found that the petitioner has sold the British Empire Beer 650 ml bottle for Rs.150/- instead of MRP rate at Rs.140/- whereby additionally charged Rs.10/-. Hence, on 25.02.2020, the respondent



passed an impugned order, directed the petitioner to pay a sum of Rs.11,800/- within a period of seven days from the date of receipt of the memo. Aggrieved over the same, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that the District Manager, Thoothukudi has not visited the petitioner's shop as alleged in the impugned memo and he has not signed in the inspection book in the Shop. Hence, the charge memo issued against the petitioner is untenable and it has been issued without following the due process of law.

5.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 fine amount as per order dated 25.02.2020 and prayed to 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 respondent has no serious objection.

6.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

7.Considering the submission of the learned counsel for the petitioner and without prejudice to the disciplinary proceedings, the petitioner is directed to pay the 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 respondent is directed to transfer the petitioner to some other TASMAL 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.

8.With the above directions, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

ASSISTANT REGISTRAR(CRL.SIDE)

TRUE COPY

/ /2020

SUB ASSISTANT REGISTRAR(CS)

msa



W.P(MD)No.4378 of 2020

To
The Deputy Collector/District Manager
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Theni District

WEB COPY

+1 CC to Mr.R.VENKATESHWARAN, Advocate (SR-9687[F] dated 02/03/2020

W.P (MD) No.4378 of 2020
and

W.M.P (MD) No.3680 of 2020
02.03.2020

MKB(16.03.2020)/3P/3C