



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.4969 of 2020

and

W.M.P(MD) No.4343 of 2020

WEB COPY

M.Vennimalai

.. Petitioner

Vs.

The District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Tirunelveli.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling upon the records of the respondent herein relating to impugned order Na.Ka.No.R1/516/2019 dated 17.02.2020 and quash the same.

For Petitioner

: Mr.S.Muthalraj

For Respondent

: Mr.B.Jameel Arasu

ORDER

This writ petition has been filed for issuance of a Writ of Certiorari to call for the records of the respondent relating to the impugned order in Na.Ka.No.R1/516/2019 dated 17.02.2020 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 is working as a Salesman in TASMAC Shop No.10615, Aladi Road, Cheranmahadevi, Tirunelveli District. On 23.12.2019, without following the circulars of TASMAC Headquarters, a squad went to the shop and alleged that the petitioner has sold a Beer bottle for Rs.145/- instead of Rs.130/-, whereby additionally charged Rs.10/-. The respondent issued a show cause notice dated 20.01.2020, for which, he made his explanation, vide letter, dated 30.01.2020. Thereafter, on 17.02.2020, the respondent passed the impugned order, directing the petitioner to pay fine amount of Rs.11,800/- within a period of seven days. Aggrieved over the same, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that the respondent has not considered the explanation submitted by the petitioner and passed the impugned order, imposing a fine of Rs.11,800/-, which is in violation of principles of natural justice.



5.The learned counsel for the respondent submitted that the impugned order has been passed after considering the mistake committed by the petitioner.

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.Perusal of records shows that the respondent has issued a show cause notice, dated 20.01.2020 to the petitioner, for which, the petitioner has submitted his reply, dated 30.01.2020. But, the respondent without considering the same, has simply rejected the explanation and imposed a fine of Rs.11,800/- by way of passing the impugned order, which is in violation of principles of natural justice. Therefore, this Court is inclined to interfere with the impugned order. Accordingly, the impugned order, dated 17.02.2020, is set aside and the matter is remanded back to the respondent and the respondent is directed to pass fresh orders, after considering the explanation submitted by the petitioner and also after giving due opportunity of hearing to the petitioner. The writ petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn
To
The District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Tirunelveli.

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-11243[F] dated 12/03/2020
+1 CC to M/s.S.MUTHALRAJ, Advocate (SR-11291[F] dated 12/03/2020)

**ORDER MADE IN
W.P(MD)No.4969 of 2020**

SMA/23/03/2020/2P/4C