



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM

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

W.P(MD)No.5237 of 2020

and

W.M.P (MD)No.4571 of 2020

WEB COPY

G.Ponraj

.. Petitioner

Vs.

The District Manager

Tamil Nadu State Marketing Corporation Limited (TASMAC)

Madurai South

Madurai

.. Respondent

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 pertaining to the impugned order passed by the respondent in Na.Ka.No.48/2018/A1, dated 16.12.2019 and quash the same.

For Petitioner

: Mr.L.Shaji Chellan

For Respondent

: Mr.H.Arumugam

ORDER

This writ petition has been filed for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the respondent in Na.Ka.No.48/2018/A1, dated 16.12.2019 and quash the same.

2.Mr.H.Arumugam, 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 Salesman in the respondent Corporation from 2003 onwards. On 06.12.2019, the respondent issued a show cause notice to the petitioner alleging that the petitioner sold liquor with five rupees margin. Subsequently, the petitioner sent reply on 10.12.2019 in this regard. However, the respondent Corporation imposed a fine of Rs.5900/-. Aggrieved over the same, the petitioner is before this Court.

4.The learned counsel for the petitioner would further submit that before passing the impugned order, no opportunity of hearing is provided to the petitioner. Imposing such a major punishment without giving fair opportunity to defend the case is highly illegal. Hence, he prayed to set aside the impugned order passed by the respondents.



5.Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

6.This Court is of the view that without any sort of enquiry and without giving an opportunity to the petitioner to defend his case, the respondent Corporation straight away passed the impugned order, warrants interference by this Court. Therefore, the impugned order of the respondent dated 16.12.2019 is set aside and the matter is remanded back to the respondent fresh consideration. The respondent is directed to pass orders on merits and in accordance with law after giving sufficient opportunity to the petitioner.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To

The District Manager
Tamil Nadu State Marketing Corporation Limited (TASMAC)
Madurai South
Madurai

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-11470[F] dated 13/03/2020)

+1 CC to Mr.L.SHAJICHELLAN, Advocate (SR-11426[F]dated 12/03/2020)

ORDER MADE IN
W. P (MD) No. 5237 of 2020
and

W.M.P (MD) No. 4571 of 2020
12.03.2020

VB(24.03.2020) 2P 4C