



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2020

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WEB COPY

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

W.P (MD)Nos.5911 and 5913 of 2020

and

W.M.P (MD)Nos.5110 and 5111 of 2020

1.Subramanian ...Petitioner in W.P.No.5911/2020
2.P.Murugan ...Petitioner in W.P.No.5913/2020

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.,
Madurai

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

... Respondents in both WPs

COMMON PRAYER: These Writ Petitions have been 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 third respondent in Na.Ka.Nos.155/2020/Aa1, dated 12.03.2020 and quash the same.

(In both petitions)

For Petitioners

: Mr.S.Anbazhagan

For Respondents

: Mr.B.Jameel Arasu



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 third respondent in Na.Ka.No.155/2020/Aa1, dated 12.03.2020 and quash the same.

2.The petitioners would submit that they are working as salesman in the respondent TASMAL shops. On 27.02.2020, the Flying Squad of the respondents 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 third 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 order, present writ petitions have been filed.

3.Today, when the writ petitions are taken up for hearing, learned counsel for the respondents 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 third respondent in Na.Ka.No.155/2020/Aa1, dated 12.03.2020 are set aside and the matter is remanded to the third respondent to pass fresh order after affording opportunity to the petitioners in the manner known to law.

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

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

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.,
Madurai

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

+2 CC to M/s.S.ANBAZHAGAN, Advocate (SR-12870[F] dated 23/03/2020

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-12871[F] dated
23/03/2020)

ORDER MADE IN
W.P(MD)Nos.5911 and 5913 of 2020
and
W.M.P(MD)Nos.5110 and 5111 of 2020
23.03.2020

na(CO)
TR(27.05.2020)3P 7C