



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2020

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

W.P (MD) No. 6350 of 2020

and

W.M.P (MD) No.5585 of 2020

WEB COPY

S.Manavalan

..Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAC),
4th floor, CMDA Towers,
Gandhi Irwin Bridge Road,
Egmore, Chennai.

2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
100, Anna Nagar, Madurai - 625 020.

3. The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai South,
Kappalur, Madurai 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 pertaining to the impugned order in Na.Ka.No.401-1/2020/A dated 08.04.2020, on the file of the respondent No.3 and quash the same as illegal.

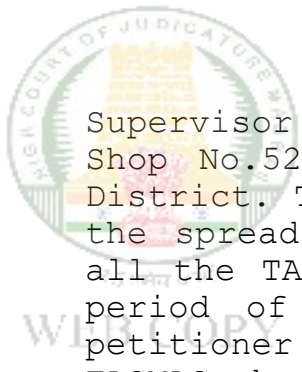
For Petitioner	: MrT.Lajapathy Roy
For Respondents	: Mr.H.Arumugam, Standing Counsel for TASMAC.

ORDER

This writ petition has been filed for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order of suspension issued by the respondent vide his proceedings in Na.Ka.No.401-1/2020/A dated 08.04.2020 and quash the same as illegal.

2. Mr.H.Arumugam, learned Standing Counsel for TASMAC 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 he was appointed as a
<https://hcservices.ecourts.gov.in/hcservices/>



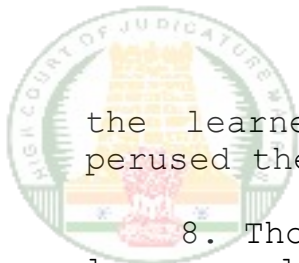
Supervisor in the respondent Corporation and now he is working at Shop No.5282 situated at Pannirkundu, Tirumangalam Taluk, Madurai District. The learned counsel for the petitioner submitted that amid the spread of COVID 19, the State Government has decided to close all the TASMAC shops from 25.03.2020 onwards till 14.04.2020 for a period of 21 days. During the said period, on 31.03.2020, the petitioner had instructed the salesman Mr.Chellapandi to guard the TASMAC shop during night time, since the TASMAC shop is located in a remote place.

4. On 01.04.2020, the petitioner had preferred a complaint against the salesman Mr.Chellapandi stating that he had broke open the TASMAC shop unlawfully and sold the liquor bottles at about 1.00 a.m. in the midnight. In this regard, Inspector of Police, Sindupatty Police Station, Madurai, has conducted an inspection and a case was registered against him in Crime No.62 of 2020, for the offence punishable under Sections 406 and 24 of Tamilnadu Prohibition Act. On the basis of the said criminal case, the salesman Mr.Chellapandi was suspended. Subsequently, on 01.04.2020, a show cause notice was served by the 3rd respondent to the writ petitioner seeking explanation and without providing an opportunity to give reply for the show-cause notice, the 3rd respondent has issued the impugned proceedings dated 08.04.2020, suspending the writ petitioner from service, against which, the present writ petition has been filed.

5. The learned counsel for the petitioner submitted that the petitioner has not given the keys of the TASMAC shop and he has only instructed the salesman Mr.Chellapandi to guard the TASMAC shop, which is in remote area, in order to ensure protection of the TASMAC shop amid COVID 19. Further, the Clause 6(d) of the Code of Prevention and Detection of Fraudulent Acts in Tamil Nadu State Marketing Corporation Limited - 2014 categorically provides that "if the charges are grave and if it is found that the continuance of employee in service is injurious to the interest of fair investigation/disciplinary proceedings, he may be suspended pending enquiry". The learned counsel for the writ petitioner states that, in the instant case, the respondent No.3 has suspended the petitioner who has not involved in any kind of grave charge. Thus, he prayed to set aside the impugned order of suspension.

6. The learned standing counsel appearing for the respondent submitted that based on a circular dated 13.08.2015, it is clearly instructed that no personnel should stay inside the shop after 10.00 p.m. and it is the sole responsibility of the Supervisor to keep the shop key in safe custody. He further submitted that in this regard, disciplinary proceeding has already been initiated and the same would be completed within a time frame to be fixed by this Court.

7. Heard the learned counsel appearing for the petitioner and



the learned standing counsel appearing for the respondents and perused the materials available on record.

8. Though the learned counsel for the petitioner has sought for larger relief, considering the submissions of the learned standing counsel for the respondents that disciplinary proceeding has already been commenced, this Court is of the view that, it would suffice if a direction is given to the respondent to complete the disciplinary proceedings within a period of two months and accordingly, the respondents are directed to conclude the disciplinary proceedings initiated against the petitioner, after providing sufficient opportunity to the petitioner and pass orders on the same on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

9. With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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Kappalur, Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-13028[F] dated 02/06/2020)

W.P(MD) No. 6350 of 2020

01.06.2020

KB(08/06/2020) 3P 4C