



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.8068 of 2020

and

W.M.P. (MD)No.7485 and 7488 of 2020

WEB COPY

A.Velayutham

...Petitioner

-Vs-

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd,
Plot No.100, Annanagar, Madurai-625 020.

2.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd,
TASMAC Office, Ramanathapuram.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the second respondent in his proceedings in Na.Ka.No.A4/0349/2020, dated 26.06.2020 and quash the same as illegal and unconstitutional and consequently to direct the respondents to set aside the proceedings against the petitioner.

For Petitioner : Mr.A.Arputharaj

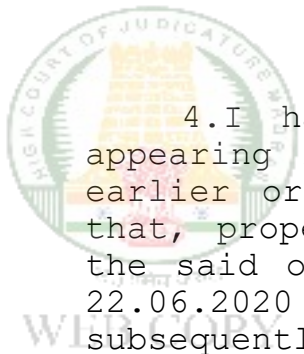
For Respondents : Mr.B.Jameel Arasu
Standing Counsel.

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order issued by the second respondent in his proceedings in Na.Ka.No.A4/0349/2020, dated 26.06.2020 and quash the same, as illegal and unconstitutional and consequently, to direct the respondents to set aside the proceedings against the petitioner.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner has been working at TASMAC shop as Salesman and on 26.05.2020, a show cause notice has been issued, whereby the respondents directed the petitioner to pay a sum of Rs.1,26,840/- for the loss sustained by the Corporation and in this regard, according to the petitioner, he has given detailed reply for such order dated 26.05.2020. However, without considering the same, once again a show cause notice has been now issued on 26.06.2020 through the impugned communication. Therefore, the same is under challenge.



4.I have heard Mr.B.Jameel Arasu, learned Standing Counsel appearing for the respondents TASMACH, who would submit that, the earlier order dated 26.05.2020 has been withdrawn, on the ground that, proper show cause notice has not been issued before passing the said order, through circular issued by the Head Office, dated 22.06.2020 and since the earlier order dated 26.05.2020 has subsequently been withdrawn, by a circular dated 22.06.2020, now the present impugned show cause notice has been issued. Therefore, let the petitioner can respond to the said show cause notice, within a time frame and thereafter, that would be considered and order would be passed.

5.The said submission made by the learned Standing Counsel appearing for TASMACH is hereby recorded.

6.Now, the petitioner can understand that the earlier order passed against the petitioner, dated 26.05.2020 since has been withdrawn by proceedings/circular of the respondents, dated 22.06.2020 and afresh show cause notice now has been issued through the impugned order dated 26.06.2020, the petitioner cannot have any grievance except to respond the said show cause notice, dated 26.06.2020, within a period of seven (7) days from the date of receipt of a copy of this order. On such receipt of reply from the petitioner, the respondents shall consider the same on merits and in accordance with law and accordingly, decide the issue by passing the final order within two (2) weeks thereafter.

7.With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Order made in
W.P. (MD)No.8068 of 2020
Dated:27.07.2020