



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.8922 of 2020

and

W.M.P(MD) .No.8165 of 2020

Ganesan

... Petitioner

-Vs-

1.The Senior Divisional Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Madurai.

2.The Deputy Collector/District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Sivagangai. ...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order dated 19.05.2020 of the second respondent in Na.Ka.No.A1/434/2020 and quash the same.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.H.Arumugam

Standing Counsel

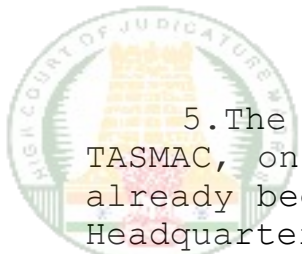
ORDER

The prayer sought for herein is for a Writ of Certiorari, to call for the records pertaining to the impugned order, dated 19.05.2020 of the second respondent in Na.Ka.No.A1/434/2020 and quash the same.

2.Heard Mr.J.Anandkumar, learned counsel appearing for the petitioner and Mr.H.Arumugam, learned Standing Counsel appearing for the respondents.

3.By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

4.The petitioner is the Staff working at the TASMAC Shop at Shop No.7741 under the respondents. While so, an order of penalty has been imposed against the petitioner by the second respondent vide order dated 19.05.2020 and the said order, according to the learned counsel for the petitioner, since has been issued without giving any opportunity or show cause notice to the petitioner, it is bad in law. Therefore, on that ground, the said order, dated 19.05.2020 is under challenge in this writ petition.



5.The learned Standing Counsel appearing for the respondents TASMAC, on instructions, would submit that, the impugned order has already been withdrawn by circular dated 22.06.2020 issued by the Headquarter of TASMAC and by virtue of such circular, the impugned order has also been withdrawn and therefore, it is no more in effect. He would also submit that, on the same date i.e., on 22.06.2020, a show cause notice was issued to the petitioner, which he received under acknowledgement. Therefore, pursuant to the show cause notice, so far he has not given any of his explanation and if he comes forward to give his explanation within a shortest possible time to be stipulated by this Court, after considering the same, further course of action would be decided by the respondents.

6.The said submission made by the learned Standing Counsel appearing for the TASMAC is hereby taken on record.

7.In view of the said submission of the TASMAC counsel, since the impugned order itself has already been withdrawn and subsequent show cause notice has been given to the petitioner, which has already been received by the petitioner also, this Court is inclined to dispose of this writ petition with the following directions:

'that the petitioner shall give reply to the show cause notice, which has already been received from the respondents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, it is for the respondents to take decision accordingly, on merits and in accordance with law and in this regard, if need arises, an opportunity of being heard also can be given to the petitioner, at any rate, final order shall be passed by the respondent TASMAC on the show cause notice issued already, with or without reply to be filed by the petitioner, within a period of six weeks.'

8.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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.

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