



WEB COPY

W.P(MD)No.9026 of 2020

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)Nos.9026 & 9034 of 2020

and

W.M.P (MD)Nos.8249 & 8258 of 2020

W.P(MD)No.9026 of 2020

A.Ganesan

...Petitioner

-Vs-

- 1.The Managing Director,
Office of the Managing Director,
IV Floor, CMDA Tower II,
Gandhi Irwin Bridge Road,
(TASMAC) Chennai-600 008.
- 2.The Senior Regional Manager,
Office of the Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC)
Madurai District.
- 3.The District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC)
Virudhunagar Head Office,
Sitco Industrial Estate,
Soolakarai, Virudhunagar.

...Respondents

Prayer: Writ Petitions - filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order in his proceedings in Na.Ka.No.A5/399/19 dated 09.05.2020 and the very same day issued the charge memo vide his proceedings in Na.Ka.No.A5/399/19 dated 09.05.2020 passed by the third respondent and quashes the same as illegal and allow the petitioner to join duty in the respondent TASMAC shop.

W.P (MD)No.9034 of 2020

S.Manikandan

...Petitioner

-Vs-

- 1.The Managing Director,
Office of the Managing Director,
IV Floor, CMDA Tower II,
Gandhi Irwin Bridge Road,
(TASMAC) Chennai-600 008.

<https://hcservices.tnpsc.gov.in/hcservices>



2.The Senior Regional Manager,
Office of the Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC)
Madurai District.

3.The District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC)
Virudhunagar Head Office,
Sitco Industrial Estate,
Soolakarai, Virudhunagar.

...Respondents

Prayer: Writ Petitions - filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order in his proceedings in Na.Ka.No.A5/399/19 dated 09.05.2020 and the very same day issued the charge memo vide his proceedings in Na.Ka.No.A5/399/19 dated 09.05.2020 passed by the third respondent and quashes the same as illegal and allow the petitioner to join duty in the respondent TASMAC shop.

For Petitioners : Mr.S.Sivaprakash

For Respondents : Mr.H.Arumugam,
Standing Counsel

COMMON ORDER

The prayer sought for herein in both writ petitions is for a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order in his proceedings in Na.Ka.No.A5/399/19 dated 09.05.2020 and the very same day issued the charge memo vide his proceedings in Na.Ka.No.A5/399/19 dated 09.05.2020 passed by the third respondent and quashes the same and allow the petitioners to join duty in the respondent TASMAC shop.

2. Since the issues raised in these writ petitions are one and the same, therefore, with the consent of both sides, these writ petitions are being disposed of at the admission stage itself, by a common order.



3. Heard Mr.S.Sivaprakash, learned counsel appearing for the petitioner and Mr.H.Arumugam, learned Standing Counsel appearing for the respondents.

4. The petitioners are the employees of the respondents/TASMAC. Against the petitioners, it seems that, some police complaint has been made alleging that, during the COVID-19 lockdown period, they opened the shop and entertained the sale of IMFL. In this regard, after giving preliminary show cause notice and getting their explanations, the respondents/TASMAC framed the charges against both the petitioners by the impugned charge-memo, dated 09.05.2020. Challenging the same, these writ petitions have been filed.

5. Today, when the cases are taken up for hearing, the learned counsel appearing for the petitioners fairly submitted that subsequent to filing of these writ petitions, the respondents/TASMAC appointed an Enquiry Officer fixing the time limit of two weeks to the Enquiry Officer to complete the enquiry and to give a report and in view of the said development, a time frame may be fixed by this Court to complete the disciplinary proceedings and pass final orders and in this regard, the petitioners will co-operate with the Enquiry Officer to complete the enquiry.

6.The learned Standing Counsel appearing for the respondents would submit that after getting explanations from the petitioners on serving the impugned charge-memos respectively, Enquiry Officer has been appointed, time limit has been prescribed to complete the enquiry and therefore, within two weeks final order would be passed by the respondents depending upon the out come of the enquiry.

7. Considering the said submissions made by both parties and in view of the subsequent development after filing of these writ petitions, this Court is inclined to dispose of these writ petitions with the following orders:-

"(i) that the Enquiry Officer already been appointed shall complete the enquiry within two weeks period as fixed by the respondents concerned and on completion of the enquiry and based on the enquiry report further opportunity to be given to the petitioners to give their explanations on the Enquiry Officer's report, if the Enquiry Officer found the petitioners guilty on any of the charges framed against them, after such formalities are complied with, final order shall be passed within a period of three weeks thereafter. "



8. With these directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

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Sub Assistant Registrar(CS)

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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.

To

- 1.The Managing Director,
Office of the Managing Director,
IV Floor, CMDA Tower II,
Gandhi Irwin Bridge Road,
(TASMAC) Chennai-600 008.
- 2.The Senior Regional Manager,
Office of the Senior Regional Manager,
Tamil Nadu State Marketing
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- 3.The District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC)
Virudhunagar Head Office,
Sitco Industrial Estate,
Soolakarai, Virudhunagar.

Order made in
W.P. (MD) Nos.9026 & 9034 of 2020

Dated:

12.08.2020

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<https://hcservices.ecourts.gov.in/hcservices/>