



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.11342 of 2020

V.Balakrishnan

...Petitioner

-Vs-

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

...Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the respondent office pertaining to the impugned Notice dated 24.06.2020 passed by the respondent in his Na.Ka.Chi.Vi.No.6/204/2020, quash it as illegal.

For Petitioner: Mr.K.Kathiresan

For Respondent: Mr.H.Arumugam,
Standing Counsel

ORDER

The prayer sought for herein is for a Writ of Certiorari, calling for the records of the respondent office, pertaining to the impugned Notice dated 24.06.2020 passed by the respondent in his Na.Ka.Chi.Vi.No.6/204/2020 and quash.

2.Heard Mr.K.Kathiresan, learned counsel appearing for the petitioner and Mr.H.Arumugam, learned Standing Counsel, who takes notice for the respondents.

3.With the consent of the learned counsel on both sides, this Writ Petition is taken up for final hearing and disposed of at the admission stage itself.

4.The petitioner is working in the TASMAC Shop under the control of the respondent. While so, due to Covid-19 situation, based on the general circular issued by the respondent TASMAC, the remaining stock in each of the shop were directed to be shifted to a secured place for security reasons. Accordingly, when shifting was taken place, it was found that there were some deficit of stock in the shop, where the petitioner is working. Therefore, a show cause notice dated 24.06.2020 has been issued, as to why fine as well as GST amount equivalent to the cost of the IMFL stock, which was found deficit at the time of shifting the same cannot be recovered from the petitioner and in this regard, the show cause was directed to be replied within 7 days period.



5. Pursuant to the same, the petitioner also on 05.08.2020 has given his detailed reply, which is also acknowledged by the learned Standing Counsel appearing for the respondent TASMAL. Therefore, all that the learned counsel appearing for the petitioner wants that let the reply given by the petitioner to the show cause notice can be considered by the respondent and final order to be passed at the earliest on merits.

6. The learned Standing Counsel appearing for the respondent also would submit that certainly the reply given by the petitioner dated 05.08.2020 would be considered, on merits and the same would be decided, within a period stipulated by this Court.

7. Considering the aforesaid statement and factual matrix, as the prayer sought for herein is innocuous in nature, this Court is inclined to pass the following order:-

"that the respondent is hereby directed to consider the reply given by the petitioner dated 05.08.2020 for the show cause notice of the respondent dated 24.06.2020 and after considering the same, on merits and in accordance with law pass orders, within a period of four weeks from the date of receipt of a copy of this order."

8. With this direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

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.

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-16751[F] dated 14/09/2020)

Order made in

W.P. (MD)No.11342 of 2020

10.09.2020

SE (CO)

NR (28/10/2020) 2P : 2C

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