



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.12536 of 2014
and M.P. (MD) No.1 of 2014

M.Sivapragasam

... Petitioner

Vs.

1.The District Manager,
Madurai North,
TamilNadu State Marketing Corporation Ltd.,
(TASMAC) Madurai,
Having Office at Ramanathapuram Main Road,
Manalur.

2.The Senior Regional Manager,
Madurai Region,
Anna Nagar, Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.2585/14-A, dated 14.07.2014, and quash the same.

For Petitioner : Mr.R.V.Rajkumar

For Respondents : Mr.H.Arumugam,
Standing Counsel.

ORDER

A charge memo, dated 14.07.2014 is under challenge in the present writ petition.

2.The charges against the writ petitioner are that he has sold liquor bottles by fixing excess amount and there is deficit of money, which was noticed during the inspection. An account of interim stay, the Departmental Disciplinary Proceedings is unable to be completed. The charge memo cannot be challenged in a routine manner. The Departmental Disciplinary Proceedings once initiated, it must be completed in all respects by following the procedures contemplated. Charge memo can be quashed on legal grounds as there is lack of jurisdiction or there is no possibility to proceed with



the Departmental Disciplinary Proceedings.

3. In the present case, the charges were framed mostly on the ground of factual aspects. Charge memo cannot be quashed on factual aspects. All such disputed facts and circumstances to be adjudicated by the competent authorities while undertaking the process of enquiry as per procedure contemplated. Per contra, the High Court cannot adjudicate the disputed facts and circumstances in a writ petition filed under Article 226 of the Constitution of India. Thus, the writ petitioner has to be established his innocence by producing all supporting documents and evidence before the competent authorities.

4. This being the factum, the respondents are directed to proceed with the Departmental Disciplinary Proceedings by appointing an Enquiry Officer and complete the enquiry as expeditiously as possible by following the procedures contemplated and by giving personal opportunity to the writ petitioner and thereby, pass final orders in the Departmental Disciplinary Proceedings.

5. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

1. The District Manager, Madurai North,
TamilNadu State Marketing Corporation Ltd.,
(TASMAC) Madurai,
Having Office at Ramanathapuram Main Road,
Manalur.

2. The Senior Regional Manager, (TASMAC)
Madurai Region, Anna Nagar, Madurai.

+1cc to Mr.H.ARUMUGAM, Advocate SR.No.21523

W.P. (MD) No.12536 of 2014
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CK(CO)

TR(19.11.2020) 2P 4C