



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19323 of 2021

and

W.M.P.Nos.20629 & 20630 of 2021

(Through Video Conferencing)

N.R.Manoharan

...Petitioner

Vs

1. The Managing Director,
The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
IV- Floor, CMDA Tower II Office Complex,
Gandhi-Irwin Bridge Road,
Egmore, Chennai - 600 008.
2. The Tamil Nadu State Marketing Corporation Limited,
rep. by its Senior Regional Manager,
Trichy Region,
Old Collector Office Complex,
Trichirapalli.
3. The District Manager,
Tamil Nadu State Marketing
Corporation Limited,
Chennai Main Road,
Villupuram - 605 602.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records related to Na.Ka.No.A6/11793/2021 dated 19 August 2021 issued by the third respondent and quash the same, and consequently direct the respondents to continue to employ the Petitioner as Supervisor to Shop No.11793.

For Petitioner : Mr.S.Vedhavel

For Respondents : Mr.K.Sathish Kumar,
Standing Counsel



ORDER

The petitioner has challenged the impugned order demanding an amount of Rs.11,990/- (fine Rs.9,770/- GST Rs.1,829/- and interest Rs.391/-). As the amount found shortage due to audit conducted by the auditors of the 1st respondent. As per the order, the petitioner is further required to pay a aforesaid amount together with 50% interest, failing which, he would be removed from service.

2.The admitted facts on record is that, an audit was conducted on 19.01.2021. Thereafter, no notice was issued to the petitioner to show cause as to why the petitioner should not held liable for the shortage and to pay the amount as per the Rules applicable TASMAL.

3.The learned Counsel for the petitioner submits that there is no provision for issuing show cause notice, nevertheless the principles of natural justice is required to be complied before any drastic orders are passed by either terminating the services of an employee or where monetary penalty are imposed on an employee for any loss.

4.Considering the fact that the impugned order dated 19.08.2021 stands quashed it has been passed without following the principles of natural justice. However, the content of the impugned order dated 19.08.2021 which stands quashed by this order shall be treated as a show cause notice issued to the petitioner. The petitioner is directed to file a reply to the same within a period of 30 days from the date of receipt of a copy of this order. The respondents shall thereafter pass an appropriate orders on merits and in accordance with law after considering the representation/reply if any of the petitioner within a period of two weeks thereafter. The period from 19.08.2021 shall be treated as a period under suspension. Therefore, the respondents are directed to pay subsistence allowance to the petitioner for the aforesaid period.

5.This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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Old Collector Office Complex,
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+2cc to Mr.K.Sakthivel, Advocate, S.R.No.46753

W.P.No.19323 of 2021

and

W.M.P.Nos.20629 & 20630 of 2021

PA (CO)
RGA (05/10/2021)