



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.202 of 2021

and W.M.P.(MD).No.164 of 2021

WEB COPY

R.Kanagavel

...Petitioner

Vs.

The District Manager,
The Tamil Nadu State Marketing
Corporation Limited,
Madurai South,
Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent in his proceedings in Na.Ka.No.000106/2018/A, dated 16.11.2020 and quash the same as illegal, arbitrary, violation of law and further direct the respondent to reinstate the petitioner in service with full back wages from 17.11.2020 within the stipulated period, which this Honourable Court may deem fit.

For Petitioner : Mr.M.Jothibas
For Respondent : Mr.H.Arumugam
Standing Counsel

O R D E R

Heard Mr.M.Jothibas, learned counsel for the petitioner and Mr.H.Arumugam, learned Standing Counsel, appearing for the respondent.

2.On a set of charges alleging that the petitioner had sold IMFL liquor with an additional rate of Rs.10/- (Rupees Ten), the respondent herein, through their proceedings dated 20.01.2020, had directed the petitioner to pay a penalty along with the GST amount. However since the petitioner had not paid the penalty, as well as the GST amount, which came to be subsequently dealt with through an enquiry and the charges having been proved, the petitioner was terminated from the service through the impugned order dated 16.11.2020. Challenging the same, the present writ petition has been filed.

3.The learned counsel for the petitioner submitted that as per the original order passed by the respondent on 20.01.2020, the petitioner is willing to pay the penalty amount of Rs.10,000/- (Rupees Ten Thousand) along with the GST amount of Rs.1,800/- (Rupees One Thousand and Eight Hundred).



4.Mr.H.Arumugam, learned Standing counsel for the respondent on instructions, submitted that the respondent is willing to reinstate the petitioner, if he pays the penalty amount along with the GST amount, instead of the punishment of termination.

5.Recording the submissions of both the counsels, the impugned order of termination passed by the respondent in Na.Ka.No.000106/2018/A, dated 16.11.2020, is set aside, with a condition that the petitioner herein pays a sum of Rs.11,800/- (Rupees Eleven Thousand and Eight Hundred only), being the penalty along with the GST amount, as expeditiously as possible. It is made clear that this order of revocation of the termination shall come into effect only after the petitioner pays the sum of Rs.11,800/- (Rupees Eleven Thousand and Eight Hundred only) to the respondent.

6.This writ petition stands ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI Act)

// True Copy //

/ /2021

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.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2649
[F] dated 01/02/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-2650[F]
dated 01/02/2021)

W.P.(MD) No.202 of 2021
29.01.2021

MJ(CO)

KB(12.02.2021) 2P 3C