



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.8643 of 2021

and

W.M.P(MD)No.6513 & 6515 of 2021

WEB COPY

N.Mahamuni

... Petitioner

-Vs-

1.The Senior Regional Manager,
Tamilnadu State Marketing Corporation Ltd.,
No.100, Annanagar,
Madurai-625 020.

2.The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
Madurai North,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order issued by the second respondent in his proceedings in Na.Ka.No.258/2021/A1 dated 19.03.2021 and quash the same.

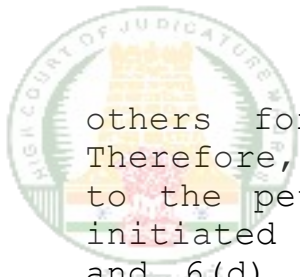
For Petitioner : Mr.V.Selvakumar
For Respondents : Mr.H.Arumugam
TASMAC

ORDER

This Writ Petition is filed to quash the impugned order passed by the second respondent, in his proceedings in Na.Ka.No.258/2021/A1, dated 19.03.2021.

2.Mr.H.Arumugam, learned Standing counsel takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, while he was working as Supervisor in TASMAC Shop No.5273 at Melur Town, Madurai District, on 18.03.2021 an inspection was conducted by the Assistant Manager TASMAC (Accounts) along with squad and found that a shortage of cash and liquor bottles to the tune of Rs.21,07,810/-. On 19.03.2021, a police complaint was given by the Assistant Manager (Accounts) TASMAC. Based on the said complaint, a case in Cr.No.172 of 2021 was registered by the Inspector of Police, Melur Police Station, Madurai District against the petitioner and



others for the offences under Sections 406 and 420 of IPC. Therefore, the second respondent issued notice, dated 18.03.2021, to the petitioner as to why departmental enquiry should not be initiated him. Pending departmental enquiry, as per Rules 5(c) and 6(d) of Tamilnadu State Marketing Corporation Rule 2014, suspended the petitioner from service. Hence, the petitioner has come up with the present writ petition seeking to quash the suspension order, dated 19.03.2021.

4. The learned counsel appearing for the respondents submitted that the petitioner was dismissed from service in contemplation of enquiry for misappropriation of Rs.21,07,810/- and the criminal case registered against him is also pending and prayed for dismissal of the writ petition.

5. From the materials on record, it is seen that the petitioner is suspended with effect from 19.03.2021. The respondents suspended the petitioner in contemplation of enquiry for misappropriation of Rs.21,07,810/- and the criminal case is also pending against him. At this stage, the petitioner is not entitled to get the relief sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

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.

+1 CC to MR.H.ARUMUGAM, Advocate (SR-17883[F] dated 28/04/2021)

W.P. (MD) No.8643 of 2021

27.04.2021

KM(25.05.2021) 2P 2C

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