



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.11.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.15482 of 2019

and

W.M.P (MD) .No.12123 of 2019

WEB COPY

R.Azhagananthan

...Petitioner

/Vs./

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA, Tower-II, 4th Floor,
Egmore,
Chennai-600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Plot No.100, Anna Nagar,
Madurai-20.

3.The District Collector,
Nagerkoil,
Kanyakumari District.

4.The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd.,
Chenbagaramanputhur,
Nagerkoil,
Kanyakumari District.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.1818/A/2019 dated 20.02.2019 passed by the fourth respondent as illegal, quash the same and consequently direct the fourth respondent to permit the petitioner to continue his service within a time frame fixed by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For R1, R2 and R4 : Mr.S.Ramakrishnan
for Mr.B.Jameel Arasu
Standing counsel

for R3 : Mr.K.S.Selvaganesan
Standing Counsel for State

**ORDER**

The impugned order in this case is dated 20.02.2019 and relates to the petitioner namely, R.Azhagananthan as well as one Josephin King Virgin. In the case of the latter, a challenge laid to the same order as impugned in this writ petition has come to be accepted by order dated 27.01.2021 passed in W.P.(MD).No.5204 of 2019 and the writ petition allowed on the ground that there has been no show cause notice or enquiry conducted prior to passing of the impugned order.

2. In light of the admitted position that the impugned order has been passed in the petitioner's case also, without benefit of a show cause notice or any prior notice whatsoever, the same is liable to be set aside as violative of the provisions of natural justice and I do so.

3. It is however appropriate that the enquiry as regards the alleged violations/discrepancies alleged to have been committed by the petitioner, as found by the officials from Vigilance and Anti-Corruption Department, Nagercoil, in the course of surprise visit on 26.10.2018 in the office of TASMAL, Nagercoil, be taken to a logical conclusion.

4. Thus, while the petitioner shall be reinstated forthwith, let the enquiry as aforesaid continue and be completed within a period of three months from date of uploading of a copy of this order in the official website of this Court.

5. This writ petition stands disposed as above with no order as to costs. Connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

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.



To

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Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-34073[F] dated 11/11/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-34123[F] dated 11/11/2021)

W.P.(MD)No.15482 of 2019
10.11.2021

RD(29.11.2021) 3P 7C