

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.12828 OF 2014

AND

M.P.NOS.2 & 3 OF 2014

P.Magesh

...Petitioner

Vs.

District Manager,
Tamil Nadu State Marketing Corporation
(TASMAC) REGENT House,
Wook Cock Road,
The Nilgiris - 643 001.

...Respondent

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorari calling for the records of the respondent in Ref.No.Na.Ka.14 of 2014 dated 27.03.2013 and Na.Ka.C.No.199 of 2014 dated 14.03.2014 and quash the same.

For Petitioner : Mr.V.Stalin

For Respondent : Mr.K.Sathishkumar
Standing Counsel (for TASMAC)

O R D E R

The circular and impugned order issued by the respondent dated 14.03.2014 and 27.03.2013 are under challenge in the present writ petition.

2.The petitioner was appointed as a Shop Supervisor in TASMAC shop. The respondent conducted an audit to the TASMAC shop and certain irregularities were identified. The petitioner states that he was orally informed to deposit a sum of Rs.11,964/- towards shortage. In this regard, the petitioner has stated that no notice or opportunity was granted to him even to defend his case. The respondent suddenly issued an impugned order directing the writ petitioner to deposit a sum of Rs.11,964/- towards the shortage amount for the period from 2007 to February 2014. However, the respondent is unable to establish that a show cause notice was issued to the petitioner

to defend his case. Thus, the order impugned is in violation of principles of natural justice. No doubt, the respondent is empowered to initiate action, but the petitioner is entitled for an opportunity to defend his case. This being the factum, the impugned order passed by the respondent in proceedings Na.Ka.14/2014 dated 27.03.2013 is quashed and the matter is remanded back for fresh consideration. Accordingly, the respondent is directed to issue a fresh show cause notice setting out the facts and details to the writ petitioner within four weeks from the date of receipt of a copy of this order. The petitioner is at liberty to submit his explanation/objections within a period of two weeks from the date of receipt of the show cause notice to be issued. Thereafter, the respondent shall consider the case on merits, take a decision and pass appropriate orders as expeditiously as possible.

Accordingly, the writ petition stands allowed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

sli/sms

To

District Manager,
Tamil Nadu State Marketing Corporation
(TASMAC) REGENT House,
Wook Cock Road,
The Nilgiris - 643 001.

+1cc to the Government Pleader Sr.No.35907

W.P.No.12828 of 2014
and
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SKM(CO)
RVM(12/07/2022)