



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2022

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**W.P(MD)No.710 of 2021
& WMP(MD)No.592 of 2021**

M.Karuppiah

... Petitioner

Vs.

The District Manager,
Tamil Nadu State Marketing Corporation Limited(TASMAC),
Theni,
Theni District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order issued by the respondent in Na.Ka.No.155/2020/A1 dated 04.01.2021, quash the same.

For Petitioner : Mr.L.Shaji Chellan
For Respondents : Mr.B.Jameel Arasu

O R D E R

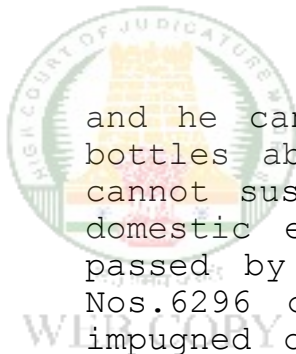
Heard Mr.L.Shaji Chellan, learned counsel appearing for the petitioner and Mr.B.Jameel Arasu, learned counsel appearing for the respondents.

2.This Writ Petition has been filed seeking for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order issued by the respondent in Na.Ka.No.155/2020/A1 dated 04.01.2021, quash the same.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner is aggrieved over the impugned proceedings of the respondent dated 04.01.2021 in and by which, the petitioner has been imposed with penalty of Rs.10,000/- along with GST of Rs.1800/- since the petitioner was allegedly found selling liquor bottles above the MRP.

5.The learned counsel appearing for the petitioner would submit that the petitioner is not a salesman, but working as a Supervisor



and he cannot be held responsible for the alleged selling liquor bottles above the MRP. He would submit that the impugned order cannot sustain, since the same has been passed without conducting domestic enquiry. In this regard, relied upon a common order passed by this Court in a batch of Writ Petitions in W.P.(MD) Nos.6296 of 2020 etc., wherein, in similar circumstances, the impugned orders imposing the penalty, came to be quashed on the ground that the respondent has passed the impugned orders without conducting domestic enquiry.

6.Per contra, the learned standing counsel for TASMACH would submit that the petitioner though issued with a show cause notice and called for explanation, has not offered any proper explanation, which prompted the respondent to pass impugned order, imposing the penalty, since the petitioner was found selling the liquor bottles above the MRP rates.

7.Heard the learned counsel for the petitioner and the learned counsel for TASMACH and perused the materials available on record.

8.Admittedly, the impugned order has been passed against the petitioner without conducting the domestic enquiry. This Court in a batch of similar Writ Petitions, by order, dated 22.12.2020, while quashing the impugned orders on the ground that the same were passed without conducting the domestic enquiry, remitted the matter to the respondent therein for re-adjudication by conducting a domestic enquiry and pass final orders in accordance with the procedure laid down under the Code.

9.In the light of the above, this Writ Petition is also allowed and the impugned order, dated 04.01.2021 is set aside and the respondent is directed to conduct a domestic enquiry and pass final orders in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSI)

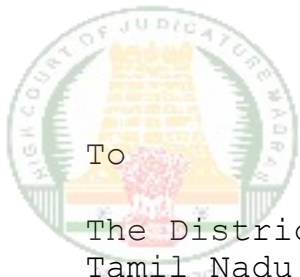
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/ /2022

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



To

The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Theni,
Theni District.

ORDER MADE IN
W.P (MD) No.710 of 2021
04.01.2022

PKP/03.03.2022/3P/2C