



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No. 732 of 2022

S.Shaju

... Petitioner

-Vs-

1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
No.100, Anna Nagar,
Madurai - 625 020.

2. The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Nagercoil,
Kanyakumari District.

... Respondents

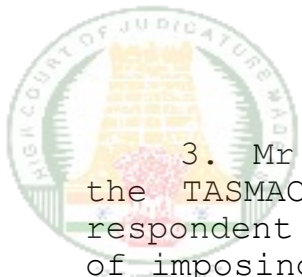
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first and second respondents herein to revoke the suspension order issued against the petitioner on the basis of the Enquiry Officer's report dated 20.12.2021 and post the petitioner as a Supervisor in the TASMAL Retail Vending Shop No.4825, situated at Kannumamoodu, Kanyakumari District on the basis of the petitioner's representation dated 06.01.2022.

For Petitioner	: Mr.M.Jerin Mathew
For Respondents	: Mr.B.Jameel Arasu
	Standing counsel for TASMAL

O R D E R

This Writ Petition has been filed directing the respondents to revoke the suspension order issued against the petitioner, on the basis of the Enquiry Officer's report, dated 20.12.2021, and post the petitioner as a Supervisor in the TASMAL Retail Vending Shop No.4825, situated at Kannumamoodu, Kanyakumari District.

2. The learned counsel appearing for the petitioner submits that the petitioner was appointed as Supervisor. During the period of his working, the Special Squad, comprising the Senior Regional Manager Special Team, Madurai and other members have conducted a raid and noted that one Vijayaraj, working as a Salesman in the TASMAL Shop, selling the liquor bottles above the MRP. An enquiry was contemplated and pending the enquiry, the second respondent placed the petitioner under suspension. The Enquiry Officer gave his report on 20.12.2021 that the charge as against the petitioner is not proved. Even thereafter, the respondents have not taken any decision to revoke the suspension order, hence the Writ Petition.



3. Mr.B.Jameel Arasu, learned Standing counsel appearing for the TASMAC submits that the Disciplinary Authority namely first respondent has differed with the enquiry report and passed an order of imposing a fine of Rs.11,800/- (Rupees Eleven Thousand and Eight Hundred Only) for the violation. He further submits that the TASMAC is receiving several complaints on violation of MRP and therefore, the Managing Director has issued a circular to deal with the complaints of MRP violation. As per the circular, if there is any violation of MRP in any of the TASMAC Shop, the Supervisor and all the Salesman are responsible for the violation and a fine of Rs.11,800/- would be imposed on them and that apart, they would be transferred from the particular TASMAC Shop.

4. In this case, an enquiry was ordered and the Enquiry Officer submitted his report that the charges are proved. The first respondent differed with the enquiry report and imposed the punishment, as per instructions of the Managing Director in his circular that the violation has been proved. The learned Standing counsel further submits that, on payment of fine amount imposed for MRP violation, the petitioner would be accommodate in any other TASMAC retail shop. The Disciplinary Authority is having every right to differ with the finding of the Enquiry Officer.

5. Considering the rival submissions, this Court dispose of the Writ Petition with the liberty to the petitioner to pay penalty amount, as claimed by the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On payment of such penalty amount made to the first respondent, the second respondent shall accommodate the petitioner in any other TASMAC Shop, as per the guidelines of the Managing Director and it is always open to the petitioner to challenge the order of disciplinary authority in the manner known to law. In any event, the petitioner succeeds, the respondents shall return the penalty amount and restore the petitioner in the TASMAC Shop No.4825.

6. Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

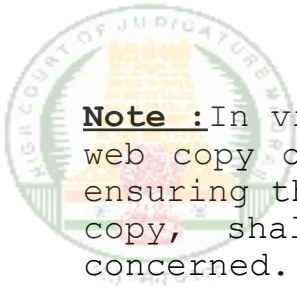
Assistant Registrar (AD-I)

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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.

WEB COPY

To

1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
No.100, Anna Nagar,
Madurai - 625 020.
2. The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-4357[F]
dated 04/02/2022)

W.P (MD) No. 732 of 2022
02.02.2022

NSN(CO)
GC(30.03.2022) 3P 4C