



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.01.2022
CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WEB COPY

W.P(MD) Nos.1121, 1148 & 1150 of 2021 and
WMP(MD) Nos.973,1000 & 1003 of 2021

K.Subashkumar

Petitioner in
W.P(MD) No.1121 of 2021

V.Jayan

Petitioner in
W.P(MD) No.1148 of 2021

S.Shaju

Petitioner in
W.P(MD) No.1150 of 2021

Vs.

- 1.The Managing Director,
Tamilnadu State Marketing Corporation (TASMAC),
4th Floor,CMDA Tower - 2,
Egmore, Chennai.
- 2.The Regional Manager,
Tamilnadu State Marketing Corporation (TASMAC),
Madurai - 20.
- 3.The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation (TASMAC),
Kanyakumari,
Kanyakumari District.

Respondents in all WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.A1/4691/2021, dated 08.01.2021 and quash the same, on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the respondents to reinstate the petitioner into service with all other monetary benefits.

For Petitioner

:Mr.S.Abuthaheer
(In all WPs)

For Respondents

:Mr.B.Jameel Arasu
Standing Counsel
(In all WPs)



C O M M O N O R D E R

These writ petitions are filed as against the order dated 08.01.2021 passed by the third respondent in Na.Ka.No.A1/4691/2021. By the order impugned in these writ petitions, the third respondent relieved/removed the petitioners from service, for the violation of MRP, detected pursuant to the investigation conducted by the special squad on 05.01.2021 in Shop No.4825.

2.The issues involved in these Writ Petitions are one and the same and therefore, these Writ Petitions are heard together and disposed of by way of this common order.

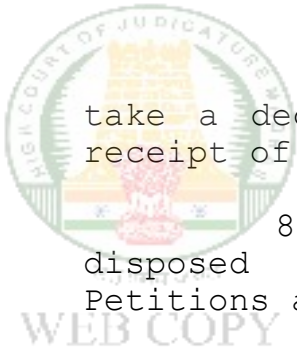
3.The case of the petitioners is that, when the petitioners are working as Supervisors and Salesman in Shop No.4825, Kannamamudu, Kanyakumari District, a surprise inspection was conducted by the Inspection Team, on 05.01.2021 and found certain MRP violations, thereby, the petitioners have been relieved/removed from service. The learned counsel for the petitioners submits that without any notice and even without conducting any enquiry, the petitioners were relieved from service. Hence, this petition.

4.Mr.Jameel Arasu, learned Standing Counsel appearing for the respondents submits that pursuant to the interim order granted by this Court, the petitioners were reinstated and they are now in service. He further submits that surprise inspection was conducted by the special squad on 05.01.2021, in the shop No.4825, detected MRP violation and therefore these petitioners were not permitted to continue in service. Since there was an allegation against the petitioners for MRP violation, there is no need to interfere with the order impugned in these writ petitions.

5.This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

6.The petitioners were relieved from Shop No.4825, pursuant to the violation of MRP, detected by the special squad on 05.01.2021. The Department has taken a decision with regard to the MRP violation in Circular dated 21.01.2019. However, even before the respondent to initiate any action as per the circular, dated 21.01.2019, the petitioners approached this Court by way of these writ petitions, as if the petitioners were removed from service. This Court has also granted an order of interim stay. Consequently, the petitioners are now allowed to continue to work in the above said shop.

7. In view of the above, the impugned order is set aside and the matter is remitted to the respondent to take appropriate action as against the petitioners, as per the circular, dated 21.01.2019, by affording an opportunity to the petitioners and to



take a decision within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

vrn

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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RK(18/03/2022) 3P 4C