



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos.1257 of 2021 and
WMP(MD) No.1062 of 2021

D.Selvin Sathia Dhas

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
4th Floor,CMDA Towers,
Gandhi Irwin Bridge Road,
Egmore, Chennai.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited(TASMAC),
Madurai - 20.

3.The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Kanyakumari,
Kanyakumari District.

...Respondents

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 in Na.Ka.No.A1/4691/2021, dated 08.01.2021, on the file of the third respondent and quash the same as illegal and consequently for a direction, directing the third respondent to conduct denovo enquiry in accordance with the Code of Prevention and Detection of Fraudulent Acts in Tamil Nadu State Marketing Corporation Limited - 2014 (The "Code").

For Petitioner

:Mr.T.Aswin Rajasimman

For Respondents

:Mr.B.Jameel Arasu

Standing Counsel

O R D E R

This writ petition is 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 this writ petition, the third respondent relieved/removed the petitioner 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 case of the petitioner is that, when the petitioner was working as Supervisor 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 petitioner has been relieved/removed from service. The learned counsel for the petitioner submits that without any notice and even without conducting any enquiry, the petitioner was relieved from service. Hence, this petition.

3.Mr.Jameel Arasu, learned Standing Counsel appearing for the respondents submits that pursuant to the interim order granted by this Court on 27.01.2021, the petitioner was reinstated and he is 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 the petitioner was not permitted to continue in service. Since there is an allegation against the petitioner for MRP violation, no need to interfere with the order impugned in this writ petition.

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

5.The petitioner was 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 petitioner approached this Court by way of this writ petition, as if the petitioner was removed from service. This Court has also granted an order of interim stay. Consequently, the petitioner is now allowed to continue to work in the above said shop.

6. 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 petitioner, as per the circular, dated 21.01.2019, by affording an opportunity to the petitioner and to take a decision within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

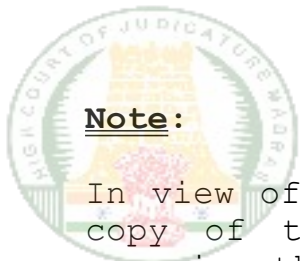
Assistant Registrar (CS III)

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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 concerned.

To

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Kanyakumari District.

+1 CC to M/s.T.LAJAPATHI ROY,Advocate(SR-2525[F] dated 27/01/2022)
W.P(MD) Nos.1257 of 2021 and
WMP(MD) No.1062 of 2021
25.01.2022

MGJ(21.03.2022) 3P 5C