



WP.No.22588 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.22588 of 2023
and W.M.P.No.22019 of 2023

S.Ravichandran

.. Petitioner

Versus

1.The Managing Director
Tamil Nadu State Marketing Corporation Ltd (TANMAC)
CMDA Tower-II, 4th Floor,
Egmore, Chennai – 600 008

2.The District Manager
TASMAC Ltd., Nagapattinam District
Industrial Estate, Thirubuvanam
Thiruvudaimarudhur Taluk
Nagapattinam – 612 001

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, calling for the records of the proceedings of the 2nd respondent bearing Na.Ka. No.2613/ 2023/A1 dated 06.07.2023 and quash the same as illegal and consequently direct the respondents to permit the petitioner to work in the shop No.5781 as Asst. Salesman.

For Petitioner : Mr.P.Suresh Babu

For Respondents : Mr.C.Ramesh



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ORDER

This writ petition has been filed challenging the impugned order of suspension and quash the same as illegal and consequently direct the respondents to permit the petitioner to work in the shop No.5781 as Asst. Salesman.

2. The charge against the petitioner is that he has allegedly sold the liquor more than the Maximum Retail Price i.e., Rs.10 more and the same was found out during the surprise check. Therefore, he is placed under suspension.

3. The learned counsel for the petitioner merely challenges the suspension on the ground that there is a discrimination i.e., his co-worker is not suspended and he has been transferred. Further, the circular of TASMAL in Na.Ka.No.R2/14589/2018 dated 21.01.2019 makes it clear that only transfer is contemplated for any violation. Therefore, the suspension is not contemplated in the circular. Hence, seeks to allow this writ petition.

4. Heard both sides and perused the entire materials placed on record. Merely, because the circular contemplates certain action against erring salesman, that cannot be given any statutory force. When the petitioner is found selling liquor for more than the Maximum Retail Price and the charge



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memo is also issued, this Court does not find any merits in the case and accordingly, this writ petition stands dismissed. The respondents shall complete the disciplinary proceedings, if any, within a period of two months from the date of receipt of a copy of this Order. No costs.

01.08.2023

dhk

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

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N.SATHISH KUMAR, J.



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