



WEB COPY



WP.No.23174 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.23174 of 2023
and
WMP.No.22720 of 2023

1. S.Ramadurai
2. P.Perumal
3. S.Thangapandi

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
IV Floor, CMDA Tower II,
Egmore, Chennai 8.
2. The District Manager,
Tamil Nadu State Marketing Corporation Limited,
P.4 Ambattur Estate,
Chennai [South] District,
Chennai 58.

...Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records relating to the second respondent vide Proceedings Se.Mu.No.RV-1/233/2023, dated 26.07.2023 and to quash the same and consequently direct the respondents to reinstate the petitioners in service with all attendant benefits.



WEB COPY



WP.No.23174 of 2023

For Petitioners : Mr.S.Vijayakumar, Senior Counsel
for Mr.K.N.Pandian
For Respondents : Mr.K.Sathish Kumar

ORDER

The Writ Petition has been filed challenging the suspension order dated 26.07.2023 issued against the petitioners.

2. It is the case of the petitioners that they are working in Tamil Nadu State Marketing Corporation Limited (TASMAC) at Shop No.715 in Chennai. On the allegation that the petitioners sold liquor more than the marked price and collected extra Rs.40/-, they are suspended by the order dated 26.07.2023.

3. The learned counsel for the petitioners would submit that it is an *en masse* suspension. Further, the amount was collected in electronic mode and credited into the account of the Corporation and hence, the suspension is contrary to the Code of Prevention and Detection of Fraudulent Acts in Tamil Nadu State Marketing Corporation Limited.



WP.No.23174 of 2023

WEB COPY

4. According to learned counsel for the petitioners, the above conduct of selling liquor at excess amount will not amount to any serious irregularities warranting suspension immediately. Hence, they sought to quash the suspension order.

5. On a perusal of the materials, it is seen that the very allegation against the petitioners is they sold the liquor at excess price of Rs.40/- per bottle and based on the above allegation, they were suspended. It is relevant to note that the Code of Prevention and Detection of Fraudulent Acts in Tamil Nadu State Marketing Corporation Limited, has been framed to prevent and detect fraud. The code also mandates that if an employee is suspended pending enquiry, he shall be paid subsistence allowance.

6. In such view of the matter as the very allegation against the petitioners is that they sold the liquor at excess amount more than the marked price, this Court is of the view that at this stage, entertaining the Writ Petition and quashing of the suspension does not arise at all. The respondents shall conclude the disciplinary proceedings if any, within a



WP.No.23174 of 2023

period of two months. It is also made it very clear that till the disciplinary proceedings are concluded, the petitioners are entitled for subsistence allowance.

7. With the above directions, the Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

08.08.2023

Index : Yes/No
pvs

To

1. The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
IV Floor, CMDA Tower II,
Egmore, Chennai 8.
2. The District Manager,
Tamil Nadu State Marketing Corporation Limited,
P.4 Ambattur Estate,
Chennai [South] District,
Chennai 58.



WEB COPY



WP.No.23174 of 2023

N.SATHISH KUMAR.J.,

pvs

WP.No.23174 of 2023

08.08.2023