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W.P.No.5169 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5169 of 2024

and

W.M.P.Nos.5681 & 5682 of 2024

K.Vinayaga Moorthy

...Petitioner

-Vs-

The District Manager,
TASMAC Ltd.,
Tiruvallur (East), Tiruvallur.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari to call for the records on the file of the respondent in Ref.செமுகஎண்.அ1/1580/2024 நாள்:19.02.2024 and quash the same.

For Petitioner : M/s.D.Bharathy

For Respondent : Mr.K.Balakrishnan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order dated 19.02.2024 passed by the respondent, thereby the petitioner was suspended from service.

2. Heard the learned counsel appearing on either side and perused



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the materials available on record.

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3. The petitioner had joined the respondent Corporation as Salesman. While the petitioner was working in TASMACH shop No.8779, a squad headed by the District Manager had inspected the petitioner's shop on 13.02.2024 and found that he had sold Spiral Triple Strong Beer 650 ml with excess amount of Rs.10/- on the maximum retail price. On the same day, the petitioner made a statement and the same was recorded by the respondent. Thereafter, the petitioner was given an opportunity to submit his explanation. Without being satisfied with the explanation, the respondent suspended the petitioner from service on 19.02.2024.

4. The learned counsel appearing for the petitioner would submit that in the impugned order name of one K.Deena Dayalan has been mentioned and not the name of the petitioner. Further, when the petitioner is a first time offender, fine only can be imposed and the order of suspension ought not to have been passed.

5. A perusal of the impugned order reveals that the respondent wrongly mentioned the name as K.Deena Dayalan. Whereas, in the final



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portion of the order, they have clearly mentioned the name of the petitioner and Supervisor as A.Sankar. Further, there was a prima-facie case made out and as such, the respondent rightly suspended the petitioner from service and this Court finds no infirmity or illegality in the order passed by the respondent.

6. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

29.02.2024
(1/3)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

The District Manager,
TASMAC Ltd.,
Tiruvallur (East), Tiruvallur.

G.K.ILANTHIRAIYAN. J.

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