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W.P.No.5349 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. 5349 of 2024
and
W.M.P.No.5876 of 2024**

1. P.Pasuran
2. Kaviyarasu
3. V.K.Sasikumar
4. D.Gopu
5. P.Chittibabu
6. R.Eswaran

.... Petitioners

Vs

1. The Government of Tami Nadu,
rep. by its Secretary,
Prohibition Excise,
Home Department,
Fort St.George, Chennai – 600 009.

2. The Chairman-cum-Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
4th Floor, Thalamuthu Natarajan Maligai,
Egmore, Chennai – 600 008.

3. The Senior Regional Manager,
Tamil Nadu State Marketing (TASMAC),
Corporation Limited,
Chennai Region, Ambattur, Chennai – 600 058.



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4. The District Manager/
Deputy Collector,
Tamil Nadu State Marketing Corporation (TAASMAC),
No.1, Bangalore High Road,
Chembarambakkam,
Chennai – 600 123.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the District Manager/Deputy Controller, Tami Nadu State Marketing Corporation Ltd., (TASMAC), Tiruvallur East District culminating in Se.Mu.Ka.No.A1/0132/2024 dated 20.02.2024 and quash the same and further direction to the respondents to reinstate the petitioners into service as Supervisor, Salesman, Assistant Salesman respectively in the respondent TASMAC Department with all service benefits to the petitioners from the date of their suspension.

For Petitioners : Mr.B.Sundarapandian

For R1 : Mr.K.Tamilvendan
Government Advocate

For R2 : Mr.K.Balakrishnan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order dated 20.02.2024 passed by the fourth respondent, thereby suspended the petitioners from service as Supervisor, Salesman and Assistant Salesman.



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

3. The petitioners were appointed as Salesman in the TASMAC during the year 2004. The first petitioner is working as Supervisor. The second petitioner is working as Assistant Salesman and the petitioners 3 to 6 are working as Salesmen in the TASMAC Shop No.9167 at Mettukuppam Village, Maduravoyal. On 26.01.2024, an FIR has been registered in Crime No.67 of 2024 for the offences under Section 4(1)(aaa) read with 4 (1-A) of the Tamil Nadu Prohibition Act 1937 on the file of the Inspector of Police, T4, Maduravoyal Polic Station as against one Ragunathan and three others alleging that they were in possession of bulk quantity of liquor bottles, having purchased it from the petitioners before the ensuing holidays, i.e., on 25.01.2024 & 26.01.2024, since on both the days, the TASMAC shop was closed and it was to be a dry day for the bar attached with the TASMAC.

4. The confession statement of the co-accused reveals that all the liquor bottles were purchased from the petitioners' shop within two days



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before the holidays on a bulk sales basis. Therefore, the petitioners were issued show cause notice to submit their explanations. On receipt of their explanations, without being satisfied, the respondents suspended the petitioners from service.

5. The learned counsel appearing for the petitioners would submit that they were shown as not accused in Crime No.67 of 2024 registered by the Inspector of Police, T4, Maduravoyal Police Station, for the offences under Section 4(1)(aaa) read with 4 (1-A) of the Tamil Nadu Prohibition Act 1937. Only on confession statement of the co-accused, now the petitioners have been suspended from service. In fact, the first petitioner was on leave on that day in which the bulk sales was alleged to have taken place.

6. A perusal of the order of suspension clearly reveals that the petitioners were given an opportunity to submit their explanation and on receipt of the same, they were suspended from service. That apart, the petitioners were suspended only on the confession statement of the co-



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accused. The accused were in possession of 4552 bottles of liquor, having purchased them from the petitioners' shop before holidays. Therefore, without knowledge of the petitioners, no one can purchase in such a bulk manner, that too, 4552 numbers of liquor bottles.

7. Therefore, this Court finds no infirmity or illegality in the order dated 20.02.2024 passed by the fourth respondent. Thus the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. It is needless to say that, during the suspension period of the petitioners, the respondents ought to have paid the subsistence allowance to the petitioners. The respondents are directed to complete the disciplinary proceedings as against the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

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Index: Yes/No
Speaking Order: Yes
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G.K.ILANTHIRAIYAN, J.

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To

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