



WEB COPY



W.P.No.7863 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM:

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

W.P.No.7863 of 2024

and

W.M.P.No.8820 of 2024

S.Suresh

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Petitioner

Vs

1. Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC), Represented by its Managing Director,
CMDA Building 4th Floor Phase II,
Egmore, Chennai – 8.

2. The Senior Regional Manager,
The Tamil Nadu State Marketing Corporation Ltd.,
SIDCO Ambattur Industrial Estate, Ambattur,
Chennai – 53.

3. The District Manager,
The Tamil Nadu State Marketing Corporation Ltd.,
No.29 & 30, SIDCO Industrial Estate,
Kakkalur, Thiruvallur West, Chennai Region.

Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the order made in Na.Ka.No.A-1/106/2024 dated 17.02.2024 by the third respondent and quash the same and direct the third respondent to reinstate the petitioner with regularization, emoluments benefits, as per the Rules and Regulations applicable to TASMAC.



W.P.No.7863 of 2024

For Petitioner : Mr.P.Sidharthan

For Respondents : Mr.L.Balakrishnan,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order of suspension dated 17.02.2024.

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

3. The petitioner was selected to the post of Supervisor under Tamil Nadu State Marketing Corporation Ltd., (TASMAC) through the Employment Exchange. Thereafter, his service was regularised and he was working as Supervisor in Shop No.9111. He fell ill and admitted in hospital at Gummidipoondi. Once again, on 16.02.2024, he reported duty and applied for medical leave on 14.02.2024 and 15.02.2024. While being so, on 15.02.2024, the third respondent made an inspection in the TASMAC shop and found that the salesmen were selling liquor bottles with excess amount of Rs.10 on the maximum retail price. Therefore, the petitioner was suspended from service.

4. The learned counsel appearing for the petitioner would submit



W.P.No.7863 of 2024

that as per the Circular dated 21.01.2019, the first time offender will be imposed with a fine, however, the petitioner was suspended from service.

That apart, the petitioner also submitted a representation to revoke the order of suspension.

5. Though this Court is not inclined to interfere with the order of suspension, the third respondent is directed to consider the representation of the petitioner, in the light of the Circular dated 21.01.2019 in Na.Ka.No. R-2/14589/2018 and the Circular dated 26.05.2023 in Na.Ka.No.R-2/14589/2018 issued by the first respondent, and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

25.03.2024

Internet : Yes/No
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN. J.



W.P.No.7863 of 2024

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To

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