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W.P.No.17317 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17317 of 2024

P.Palgunan

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower-2, 4th Floor,
Gandhi-Irwin Bridge Road,
Egmore, Chennai – 8.

2. The District Manager (East),
Tamil Nadu State Marketing Corporation Ltd.,
No. 1, Bangalore High Road,
Chembarampakkam,
Chennai – 600 123.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in connection with the proceedings in Se. Mu. Ka. No. A1/0132/2024 dated 20.02.2024 of the second respondent and quash the same and consequently direct the respondents to reinstate the petitioner with all salary and relevant service benefits.



W.P.No.17317 of 2024

WEB COPY

For Petitioner : Mr. K.Thiruvengadam

For Respondents : Mr. K.Balakrishnan,
Standing Counsel

O R D E R

The Writ Petition has been filed challenging the order of suspension dated 20.02.2024 passed by the second respondent.

2.The petitioner was working as Supervisor in TASMACH Shop No.8865 at Valasaravakkam, Chennai. While that being so, on 27.01.2024, the second respondent has issued show cause notice to the petitioner calling upon him to explain for the bulk sale of IMFL liquor bottles in black market during holiday times.

3. In pursuant to the registration of the First Information Report in Crime No. 72 of 2024, for the offences under Sections 294(b), 353 and 506(1) of IPC and Section 4(1) (aa) of the Tamil Nadu Prohibition Act, as against the five accused persons, and recording their confession statement, the petitioner was issued show cause notice. As per the confession statement



W.P.No.17317 of 2024

WEB COPY

of accused persons, there were purchase of IMFL liquor bottles in lumpsum, that too, during the holiday only from the petitioner's shop. After registration of the First Information Report, 280 IMFL liquor bottles were seized from the accused, which were purchased from the petitioner's shop. Therefore, it is just a necessary to place the petitioner under suspension and accordingly, the petitioner was suspended from service on 20.02.2024. Hence, this Court finds, no infirmity or illegality in the impugned order passed by the second respondent.

4. In the result, this Writ Petition is dismissed. It is made clear that the petitioner is entitled for subsistence allowance and the respondents are directed to complete the enquiry, within a period of three months from the date of receipt of a copy of this order. No costs.

03.07.2024

Index:Yes/No
Neutral Citation/Yes/No
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W.P.No.17317 of 2024

G.K.ILANTHIRAIYAN, J.

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