



W.P.No.27273 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 20.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27273 of 2024

and

W.M.P.No.29771 of 2024

C.Suresh Kumar

.. Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Marketing Corporation Limited (TASMAC),
CMDA Tower – II, 4th Floor,
Egmore, Chennai – 600 008.

2.The Senior Regional Manager,
Tamilnadu State Marketing Corporation Limited (TASMAC),
Chennai Region Office – at No.735,
4th Floor, L.L.A.Building,
Anna Salai, Chennai – 600 002.

3.The District Manager cum Deputy Collector,
Tamilnadu State Marketing Corporation Limited (TASMAC),
Thiruvallur (East) District,
Office at – No.1, Bangalore High Ways,
Sembarambakkam, Chennai – 600 123.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India

praying to issue a Writ of Certiorarified Mandamus, calling for the



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records of the suspension order dated 14.08.2024, passed by the 3rd respondent made in his / her proceedings Se.Mu.Ka.No.A1/1416/2024 and quash the same in respect of the petitioner alone as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to reinstate the petitioner in service with all service, monetary and attendance benefits.

For petitioner : Mr.K.Senthil Kumar

For Respondents : Mr.K.Balakrishnan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the proceedings of the 3rd respondent dated 14.08.2024 and for a consequential direction to the respondents to reinstate the petitioner into service.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3.The case of the petitioner is that he was working as Shop Supervisor at TASMACH Shop. On 10.08.2024, a surprise check was made and it was found that the Salesman was selling the liquor bottles for



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an excess amount of Rs.10/- more than the MRP rate. In view of the same, proceedings were initiated and the 3rd respondent issued the impugned proceedings dated 14.08.2024 and thereby, the petitioner was suspended from service. The same has been put to challenge in the present writ petition.

4.In the considered view of this Court, the petitioner is a first time offender and he is governed by a circular issued by the Managing Director, Tamil Nadu State Marketing Corporation Limited (TASMAC), dated 21.01.2019, which deals with the manner in which the first time offender will have to be dealt with. This issue was also considered by this Court in the earlier order passed in W.P.No.27468 of 2024, dated 18.09.2024.

5.In view of the above, the impugned proceedings of the 3rd respondent dated 14.08.2024 is hereby set aside. There shall be a direction to deal with the issue in line with the circular issued by the Managing Director, Tamil Nadu State Marketing Corporation Limited (TASMAC), dated 21.01.2019 and pass appropriate orders within a period of two (2) weeks from the date of receipt of a copy of this order.



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WEB COPY 6. Accordingly, this Writ Petition is allowed with the above direction. Consequently, the connected Miscellaneous Petition is closed.

No costs.

20.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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N.ANAND VENKATESH, J.

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