



WEB COPY



W.P.No.27388 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27388 of 2024
and
W.M.P.No.29890 of 2024

S.Sankar

.. Petitioner

Vs.

1.The Tamilnadu State Marketing Corporation Ltd.,
Represented by its Managing Director,
IV Floor, CMDA Building Tower – II,
Egmore, Chennai – 600 008.

2.The General Manager, (Retail Vending),
IV Floor, CMDA Building Tower – II,
Egmore, Chennai – 600 008.

3.The Senior Regional Manager,
TASMAC Ltd, Chennai Region,
No.B4, Ambattur Industrial Estate,
Chennai – 600 058.

4.The District Manager cum Deputy Collector,
Thiruvallur West (In-charge),
Thiruvallur District – 602 003.

.. Respondents

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

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



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records relating to the impugned order of suspension in Na.Ka.No.-
A1/567/2024 dated 02.09.2024 on the file of the 4th respondent and
quash the same and consequently direct the 4th respondent to reinstate the
petitioner based on the representation dated 06.09.2024 within the time
frame that may be fixed by this Court.

For petitioner : Mr.M.Aloysius Raja Pragash

For Respondents : Mr.K.Balakrishnan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the proceedings of
the 4th respondent dated 02.09.2024 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 Salesman at
TASMAC Shop. On 01.09.2024, an inspection was made and it was
found that the petitioner was selling the liquor bottles for an excess
amount of Rs.10/- more than the MRP rate. In view of the same,



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proceedings were initiated and the 4th respondent issued the impugned proceedings dated 02.09.2024 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 4th respondent dated 02.09.2024 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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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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