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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.28655 of 2024
and W.M.P.Nos.31253 & 31255 of 2024

Dakshinamoorthy

... Petitioner

Vs.

1.The Government of Tamil Nadu

Rep. by its Commissioner / Prohibition and Excise Department,
Fort St. George,
Chennai – 600 009.

2.The Managing Director,

Tamil Nadu State Marketing Corporation Limited (TASMAC)
CMDA Tower II, 4th Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai – 600 008.

3.The Senior Regional Manager,

TASMAC Limited,
Anna Salai, Chennai – 600 002.

4.The District Manager,

Tamil Nadu State Marketing Corporation Limited (TASMAC)
Kancheepuram (South)
Kancheepuram District.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the District Manager, Tamil nadu State Marketing Corporation Ltd., Orikkai, (Tasmac), Kancheepuram (South) district culminating in suspension order in Na.ka. No 1577/A1/2022 dated 24.08.2022 and quash the same and further direction to the respondents to reinstate the petitioner into service as Salesman in the respondent Tasmac Department with all service benefits to the petitioner from the date of the Suspension till his reinstatement based on the representation dated 10.09.2024.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents : Mr.P.Balathandayutham
Special Government Pleader for R1

Mr.K.Balakrishnan
Standing Counsel for R2 to R4

ORDER

This writ petition has been filed challenging the impugned proceedings of the 4th respondent dated 24.08.2022, suspending the petitioner from service and for a consequential direction to the respondents to reinstate the petitioner into service as Salesman considering the representation made by the petitioner on 10.09.2024.

2.Heard Mr.B.Sundarapandiyan, learned counsel appearing on behalf of the petitioner, Mr.P.Balathandayutham, learned Special Government Pleader appearing



on behalf of the 1st respondent and Mr.K.Balakrishnan, learned Standing Counsel appearing on behalf of respondents 2 to 4.

3.The case of the petitioner is that he was working as a Salesman in a TASMACH shop. On 23.08.2024, a surprise inspection was conducted and it was found that an outsider has been engaged in the TASMACH shop for selling liquor. The same was captured in a Whatsapp video on the same day. This video was forwarded to the Head office for further action. Pursuant to the same, the impugned proceedings came to be issued by the 4th respondent suspending the petitioner and six others who were working in that TASMACH shop. Aggrieved by the same, the petitioner has filed the present writ petition before this Court.

4.The specific case of the petitioner is that on 23.08.2022, he was absent from duty and to establish the same, the copy of the attendance register was also placed before this Court, where it is seen that the petitioner was absent from 17.08.2024 to 25.08.2024. In view of the same, it was contended that the petitioner who was absent cannot be held liable for such an illegality that had taken place in the TASMACH shop.



5. Taking into consideration the facts and circumstances of the case and the specific ground that has been raised by the petitioner, there shall be a direction to the 4th respondent to deal with the representation made by the petitioner on 10.09.2024 and verify as to whether the petitioner was actually present on 23.08.2022, by scrutinizing the attendance register. Appropriate order shall be passed, within a period of one week from the date of receipt of copy of this order.

6. This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

26.09.2024

Internet : Yes/No
Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
ssr

To

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Chennai – 600 009.



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N. ANAND VENKATESH, J.

SSR

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