



W.P.No.29112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.29112 of 2024

and

W.M.P.No.31783 of 2024

M.Vinayakamurthy,
Shop Supervisor (Under Suspension),
(TASMAC), Shop No.2210,
Avinashi, Tirupur – 641 652.

.. Petitioner

Vs.

1.The Managing Director,
TASMAC, CMDA Tower – 2,
4th Floor, Gandhi Irwin Bridge Road,
Egmore, Chennai – 600 008.

2.The District Manager / Deputy Collector,
TASMAC Ltd.,
Tirupur – 641 604.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned show cause notice bearing reference Na.Ka.No.761/2024/A1 dated 13.08.2024 issued by the 2nd respondent and the consequential orders of suspension bearing reference



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Na.Ka.No.761/2024/A1, dated 27.08.2024 issued by the 2nd respondent suspending the petitioner from service w.e.f., 27.08.2024, quash the same and further direct the respondents 1 & 2 to reinstate the petitioner in service by treating the period of suspension as duty period with all consequential benefits.

For petitioner : Mr.K.Krishnamoorthy

For Respondents : Mr.M.Sekar
Standing Counsel

ORDER

This Writ Petition has been filed challenging the proceedings of the 2nd respondent dated 13.08.2024 and 27.08.2024 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 09.08.2024, a surprise check was made and it was found that the Salesman was selling the liquor bottles for an excess amount of Rs.10/- more than the MRP rate. In view of the



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same, proceedings were initiated and the 2nd respondent issued the impugned show cause notice dated 13.08.2024 seeking for explanation and by impugned proceedings dated 27.08.2024, 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 show cause notice dated 13.08.2024 and the impugned proceedings dated 27.08.2024 of the 2nd respondent are 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



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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.

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

To

1. The Managing Director,
TASMAC, CMDA Tower – 2,
4th Floor, Gandhi Irwin Bridge Road,
Egmore, Chennai – 600 008.
2. The District Manager / Deputy Collector,
TASMAC Ltd.,
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N.ANAND VENKATESH, J.



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