



WEB COPY



Writ Petition No.30201 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.30201 of 2024
and W.M.P.No.32884 of 2024

M.Gunachandran

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
Egmore, Chennai – 600 008.

2.The District Manager (I/c),
Tamil Nadu State Marketing Corporation,
Vellore District – 632 004.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to impugned suspension order in Se.Mu.Na.Ka.No.A1/264/CV/2024 dated 03.09.2024 issued by the 2nd respondent herein and quash the same and consequently direct the 1st and 2nd respondents to reinstate the petitioner back into service of Shop Supervisor in Shop No. 11056.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.K.Balakrishnan
Standing Counsel



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ORDER

This writ petition has been filed challenging the proceedings of the respondent dated 03.09.2024 and for a consequential direction to respondent to reinstate the petitioner into service.

2. Heard Mr.N.Sudharsan, learned counsel for petitioner and Mr.K.Balakrishnan, learned Standing Counsel for respondents.

3. The petitioner was working as a Supervisor in a domestic shop. On 28.08.2024, 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 same, proceedings were initiated and the respondent issued the impugned proceedings dated 03.09.2024 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



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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 2nd respondent dated 03.09.2024 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.

This writ petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

15.10.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
SSR

Note:Issue Order Copy on 18.10.2024



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N.ANAND VENKATESH, J

SSI

To

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
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2.The District Manager (I/c),
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