



WEB COPY



W.P.No.29477 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.29477 of 2024
and
W.M.P.No.32129 of 2024

Palanivel.D

.. Petitioner

Vs.

1.The Managing Director,
TASMAC LTD.,
4th Floor, CMDA Tower-II,
Egmore, Chennai – 600 008.

2.The Regional Manager,
TASMAC LTD., District Collector Office,
Old Building First Floor, DRO Chamber,
Tiruchirappalli, Tamil Nadu – 620 001.

3.The District Manager,
TASMAC Ltd., Cuddalore District,
SIDCO Industrial Estate Complex,
Kudikadu, Tamil Nadu – 607 005.

.. 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 on the file of the 3rd respondent which culminated in suspension



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order made in Proceeding Sa.Mu.No.A1(RV)/437/2024 dated 27.08.2024, and quash the same and direct the 3rd respondent to reinstate the petitioner to his original position as Sales Supervisor in Shop No.2448.

For petitioner : Mr.C.Johnson

For Respondents : Mr.C.Ramesh
Standing Counsel

ORDER

This Writ Petition has been filed challenging the proceedings of the 3rd respondent dated 27.08.2024 and for a consequential direction to the 3rd respondent to reinstate the petitioner to his original position.

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 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 same,



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proceedings were initiated and the 3rd respondent issued the impugned proceedings dated 27.08.2024 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 dated 27.08.2024 of the 3rd respondent 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.

03.10.2024

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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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