



W.P.No.30702 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.30702 of 2024
and W.M.P.Nos.33319 & 33320 of 2024

V.P.Anandhan,
Supervisor, (Under Suspension),
TASMAC Shop No.4184,
Deasumugipettai, Mangalam,
Thirukazhukundaram, Kancheepuram.

.. 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),
C.M.D.A. Tower-II, 4th Floor,
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



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the District Manager, Tamil Nadu State Marketing Corporation Ltd., (Tasmac), Orikkai, Kancheepuram (South) District culminating in suspension order in Na.Ka.No.666/A1/2024 dated 02.09.2024 and quash the same and further direction to the respondents to reinstate the petitioner into service as Supervisor, in the respondent Tasmac Department with all service benefits to the petitioner from the date of his suspension till his reinstatement on the basis of representation dated 06.09.2024.

For petitioner	:	M/s.J.Kamalini
For R1	:	Mr.P.Balathandayutham Special Government Pleader
For RR 2 to 4	:	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 to his original position.

2.Heard the learned counsel for the petitioner, learned Special



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Government Pleader for the 1st respondent and the learned Standing Counsel for the respondents 2 to 4.

3.The case of the petitioner is that he was working as Supervisor at TASMAL Shop. On 01.09.2024, 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 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 (TASMAL), 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.



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5. In view of the above, the impugned proceedings dated 02.09.2024 of the 4th 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.

6. Accordingly, this Writ Petition is allowed with the above direction. Consequently, the connected Miscellaneous Petitions are closed. No costs.

15.10.2024

(2/2)

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

1. The Government of Tamil Nadu,
rep. by its Commissioner /
Prohibition and Excise Department,
Fort St. George, Chennai – 600 009.



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N.ANAND VENKATESH, J.

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