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Writ Petition No.31510 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.31510 of 2024
and
W.M.P.Nos.34251 and 34252 of 2024

D.Balaji
S/o.Deivasigamani

... 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,
Salem - 600 006.

4.The District Manager (Incharge)
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Vellore.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the District Manager, (In charge) Tamil Nadu State Marketing Corporation Ltd., (TASMAC), Vellore District culminating in suspension order in S.M.Na.Ka.No.A1/264/CV/2024 dated 03.09.2024 and quash the same and further direct 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 10.09.2024.

For Petitioner : Ms.J.Kamalini

For Respondents : Mr.P.Balathandayutham
Special Government Pleader [R1]

Mr.K.Balakrishnan
Standing Counsel [R2 to R4]

ORDER

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

2. Heard Ms.J.Kamalini, learned counsel for petitioner,



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Mr.P.Balathandayutham, learned Special Government Pleader appearing for first respondent and Mr.K.Balakrishnan, learned Standing Counsel appearing for respondent 2 to 4.

3. The petitioner was working as a Supervisor in TASMACH at Shop No.11374, Chettiappanur, Vaniyambadi Taluk, Vellore District. 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 fourth 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 (TASMACH), 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



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5. In view of the above, the impugned proceedings of the fourth 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 three (3) 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 petitions are closed.

22.10.2024

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm



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N.ANAND VENKATESH, J



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