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Writ Petition No.31593 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.31593 of 2024
and W.M.P.No.34338 of 2024

Mr.K.Senthilkumar

... Petitioner

Vs.

1.The Managing Director,
TASMA 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,
Tiruchirapalli, Tamil Nadu 620 001.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records on the file of 3rd respondent which culminated in suspension order made in Proceeding No.A1(RC)/437/2024 dated 17.08.2024, and quash the same and direct the 3rd respondent to reinstate the petitioner to his original position as Salesman in shop No. 2597.



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For Petitioner : Mr.C.Johnson

For Respondent : Mr.C.Ramesh
Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 17.08.2024 and for a consequential direction to respondent to reinstate the petitioner into service.

2.Heard Mr.C.Johnson, learned counsel for petitioner and Mr.C.Ramesh, learned Standing Counsel for respondent.

3. The petitioner was working as a Salesman in a domestic shop. On 09.08.2024, a surprise check was made and it was found that the petitioner 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 3rd respondent issued the impugned proceedings dated 17.08.2024 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



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offender and he is governed by a circulars issued by the Managing Director, Tamil Nadu State Marketing Corporation Limited (TASMAC), dated 21.01.2019 & 18.07.2023, 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 of the 3rd respondent dated 17.08.2024 is hereby set aside. There shall be a direction to deal with the issue in line with the circulars issued by the Managing Director, Tamil Nadu State Marketing Corporation Limited (TASMAC), dated 21.01.2019 & 18.07.2023 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 petition is closed.

23.10.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

ssr



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N.ANAND VENKATESH, J

SSR

To

- 1.The Managing Director,
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