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Writ Petition No.31505 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.31505 of 2024

and

W.M.P.No.34243 of 2024

R.Pannarasan

S/o.Ramachandran

... 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, Tamilnadu - 620 001.

3.The District Manager,
TASMAC Ltd., Cuddalore District,
SIDCO Industrial Estate Complex,
Kudikadu, Tamilnadu - 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 third respondent which culminated in suspension order made in Proceedings No.௭௪.மு.௭௯௯ A1(RV)/437/2024 dated 27.08.2024 and quash the same and direct the third respondent to reinstate the petitioner to his original position as Sales Supervisor in Shop No.2445 forthwith.



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For Petitioner : Mr.C.Johnson
For Respondents : Mr.C.Ramesh
Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings of the third respondent dated 27.08.2024 and for a consequential direction to respondents to reinstate the petitioner into service.

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

3. The petitioner was working as a Supervisor in TASMAL at Shop No.2566, Vanathirayapuram, Cuddalore District. On 09.08.2024, a surprise check was made and it was found that the salesman was selling the liquor bottles for excess amount more than the MRP rate. In view of the same, proceedings were initiated and the third 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.



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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 his 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 third respondent dated 27.08.2024 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 petition is 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

gm

To

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