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W.P.No.33394 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33394 of 2024 and
W.M.P.Nos.36181 and 36182 of 2024

D. Sivakumar

...Petitioner

Vs

1. The Managing Director
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
C.M.D.A. Tower-II, 4th Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai – 600 008.

2. The Senior Regional Manager,
TASMAC Limited,
B4, 3rd Floor, 5th Street,
Ambattur Industrial Estate,
Ambattur, Chennai – 600 068.

3. The District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Kancheepuram (South).
Kancheepuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India to issue a Writ of Certiorarified Mandamus calling for the records of the District Manager, Tamil Nadu State Marketing Corporation Ltd., (Tasmac), Kancheepuram (south) District culminating the suspension order in Na.Ka.No.666/A1/2024 dated 02.09.2024 passed by the 3rd respondent and quash the same and further direct the respondents to reinstate the petitioner into service as Sales Man in the Respondent Tasmac Department with all service benefits to the petitioner from the date of the suspension till petitioner's reinstatement based on the representation dated 04.10.2024 and pass orders.

For Petitioner : Mr. R. Suresh Kumar

For Respondent : Mr.K. Balakrishnan
Standing Counsel

ORDER

By consent of learned counsel on either side, this writ petition is taken up for final disposal at the stage of admission itself.

2. This petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records of the District Manager, Tamil Nadu State Marketing Corporation Ltd., (Tasmac), Kancheepuram (south) District culminating the suspension order in Na.Ka.No.666/A1/2024



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dated 02.09.2024 passed by the 3rd respondent and quash the same and further direct the respondents to reinstate the petitioner in to service as Sales Man in the Respondent Tasmac Department with all service benefits to the petitioner from the date of the suspension till petitioner's reinstatement based on the representation dated 04.10.2024 and pass orders

3. The facts of the case is that the petitioner was working as a Salesman in the Tamil Nadu State Marketing Corporation (TASMAC). Whiles, on 01.09.2024 a surprise inspection was made and it was found that the petitioner is selling the liquor more than the Maximum Retail Price at the rate of Rs.10. Therefore, the same was intimated to the Head officer of the TASMAC and the petitioner was suspended by the third respondent vide order dated 02.09.2024 in Na.Ka.No.666/A1/2024, which has given rise to this petition.

4. It is just and necessary to state that the Managing Director, Tamil Nadu State Marketing Corporation Limited (TASMAC) has issued circulars on 21.01.2019 & 18.07.2023 which deals with the manner in which the first time offender will have to be dealt with. It is pertinent to



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note that the said issue was also considered by this Court in the earlier orders passed in W.P.No.27468 of 2024 dated 18.09.2024.

5. For the foregoing reasons, the impugned order dated 02.09.2024 in Na.Ka.No.666/A1/2024, is hereby quashed and the respondents are directed to go by the circulars dated 21.01.2019 & 18.07.2023 passed by the Managing Director, Tamil Nadu State Marketing Corporation Limited (TASMAC) and hold an enquiry and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observations this writ petition stands allowed. No order as to costs. Consequently, the connected miscellaneous are also closed.

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Index:Yes/No
Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

smn

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