



W.P.(MD)No.8919 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8919 of 2024

and

W.M.P.(MD).Nos.8107 and 8108 of 2024

1.Krishnan

2.K.Ganesan

3.K.Palanichamy

... Petitioners

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
TASMAC,
CMDA Building,
Egmore,
Chennai – 600 018.

2.The Senior Regional Manager,
The Senior Regional Manager Office,
Plot No.100, Anna Nagar,
Madurai.

3.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Dindigul District.

... Respondents



W.P.(MD)No.8919 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of suspension issued by the respondent vide his proceedings in Na.Ka.No.003/2024/A2 dated 04.04.2024 and quash the same and consequently direct the third respondent herein to regularize the services of the petitioners with all monetary benefits.

For Petitioners : Mr.S.I.Muthiah
For Mr.R.Varatharajan

For Respondents : Mr.H.Arumugam
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. This Writ Petition has been filed seeking to quash the order of suspension dated 04.04.2024 and consequently direct the third respondent herein to regularize the services of the petitioners with all monetary benefits.

3. Heard Mr.S.I.Muthiah, for Mr.R.Varatharajan, learned counsel for the petitioner and Mr.H.Arumugam, learned Standing Counsel for the respondents.



W.P.(MD)No.8919 of 2024

WEB COPY

4. The petitioner has challenged the order of suspension dated 04.04.2024 stating that no enquiry has been conducted and no show cause was given before passing the order of suspension and placing the petitioners under suspension. On perusal of the order of suspension, it is seen that the petitioners were kept under suspension in view of certain video contents circulated through social media which showed that the petitioners who are in charge of the TASMAC shop No.3117 are involved in bulk sales of the liquor beyond the Standing Order. In the interest of an administration, an employee can be kept under suspension even before the initiation of the formal disciplinary action following the issuance of charge memo.

5. Mr.H.Arumugam, learned Standing Counsel appearing for the respondents submitted that there are prima facie materials available to believe that the petitioners involved in bulk sales of the stock of the shop and only for that reason they have been kept under suspension.

6. Now it is learnt that the petitioners have also been given with a charge memo. It is submitted that the petitioners had not received the charge memo. So it is upto the petitioners to receive the charge memo. If the petitioners choose not to receive the charge memo, then they cannot blame that no opportunity was



W.P.(MD)No.8919 of 2024

given to them. There are acceptable reasons to place the petitioners under suspension. It is also brought to the knowledge of this Court that the circular has been issued regarding the procedures to be contemplated in the event of making bulk sales. The petitioners submitted that they had only followed the same. It is upto the petitioners to give representation to the respondents to revoke the suspension for any of their plausible explanation. In that event, the respondents shall consider the representation of the petitioner on its own merits and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of the representation.

7. With the above direction, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

08.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD)No.8919 of 2024

To:

WEB COPY

- 1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
TASMAC,
CMDA Building,
Egmore,
Chennai – 600 018.
- 2.The Senior Regional Manager,
The Senior Regional Manager Office,
Plot No.100, Anna Nagar,
Madurai.
- 3.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Dindigul District.



WEB COPY



W.P.(MD)No.8919 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD)No.8919 of 2024

08.04.2024