



W.P.(MD)No.13427 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.13427 of 2024 &
W.M.P.(MD)Nos.11841 & 11842 of 2024

K.K.Suresh

... Petitioner

vs.

1.The Managing Director,
Tamilnadu State Marketing Corporation Limited,
(TASMAC),
CMDA Tower - II, 4th Floor,
Egmore, Chennai - 600 008.

2.The District Collector,
Karur District.

3.The Regional Manager,
Tamilnadu State Marketing Corporation Limited,
(TASMAC),
Collector Office Old Building,
Trichy.

4.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Karur, Karur District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Madnamus to call for the records



W.P.(MD)No.13427 of 2024

pertaining to the impugned Suspension Order passed by the 4th respondent in Na.Ka.No.C.Vi2/592/2024 dated 15.05.2024, quash the same and consequently direct the respondents to reinstate the petitioner in service with all service, monetary and attendance benefits.

For Petitioner : Mr.K.Dinesh
For Respondents : Mr.M.Lingadurai,
Special Government Pleader for R2

Mr.H.Arumugam,
Standing Counsel for R1, R3 and R4

ORDER

Heard Mr.K.Dinesh, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader appearing for the second respondent and Mr.H.Arumugam, learned Standing Counsel appearing for the respondents 1, 3 and 4.

2. The petitioner has filed this petition seeking to issue a Writ of Certiorarified Madnamus to call for the records pertaining to the impugned Suspension Order passed by the 4th respondent in Na.Ka.No.C.Vi2/592/2024 dated 15.05.2024, quash the same and consequently direct the respondents to reinstate him in service with all service, monetary and attendance benefits.



W.P.(MD)No.13427 of 2024

WEB COPY

3. The petitioner who was working as a Salesman in Shop No. 4923, TASMAC, Karur District has been kept under suspension by virtue of the order of the fourth respondent dated 15.05.2024.

4. It appears from the impugned order that the petitioner was found to have been selling liquor bottles by keeping an additional margin of eight rupees over and above the maximum retail price. The fact came to be noticed by the fourth respondent during his surprise inspection conducted on 14.05.2024.

5. Mr.K.Dinesh, learned counsel appearing for the petitioner submitted that as per the guidelines for suspension, if any sales person is found to be selling liquor bottles with the additional margin of one rupee to nine rupees, they ought to have been imposed with a fine and they should not be suspended.

6. However, Mr.H.Arumugam, learned Standing Counsel appearing for the respondents 1 , 3 and 4 submitted that in pursuance of



W.P.(MD)No.13427 of 2024

the recent order dated 10.01.2023 passed by this Court in W.P.(MD)No. 625 of 2023, a Circular has been issued stating that if any sales person is found to be selling liquor bottles over and above the maximum retail price in excess of ten rupees, he would be placed under suspension.

7. The learned counsel appearing for the petitioner submitted that the margin that was found during inspection was eight rupees, which is below than ten rupees.

8. It is pertinent to note that in the earlier order in W.P.(MD)No. 625 of 2023 dated 10.01.2023, this Court, has taken a serious note on collecting excess amount over and above the maximum retail price fixed for selling the liquor bottles. As per the Circular issued by them, only if the sales person is found to be selling liquor bottles ten rupees over and above the maximum retail price, he shall be placed under suspension. Despite the Court has taken a serious note of collecting excess amount than the maximum retail price, a sort of concession is made if a person is found to be selling in excess of one to nine rupees beyond the maximum



W.P.(MD)No.13427 of 2024

WEB COPY

retail price and no serious action like suspension can be made. Since the petitioner is alleged to have sold liquor bottles by keeping an excess margin of eight rupees over and above the maximum retail price, he shall be given with liberty to give a representation to the fourth respondent to quash the suspension in accordance with the terms of the Circular.

9. In view of the above discussions, the writ petition is **disposed of** and the petitioner is at liberty to give a representation in this regard to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the fourth respondent is directed to consider the same and pass appropriate orders in the light of their own Circular within a period of two weeks thereon. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

mbi



WEB COPY



W.P.(MD)No.13427 of 2024

To

The District Collector,
Karur District.



WEB COPY



W.P.(MD)No.13427 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.13427 of 2024

25.06.2024