



W.P.(MD)No.13249 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.13249 of 2024 &
W.M.P.(MD)Nos.11731 & 11733 of 2024

R.Jeyakumar

... Petitioner

vs.

1.The Senior Regional Manager,
TASMAC Ltd., Madurai.

2.The District Manager,
TASMAC Ltd.,
Madurai South, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the District Manager, TASMAC, Madurai south dated 14.06.2024 in Na.Ka.No.1081/2024/A7, quash the same and consequently direct the respondents to reinstate the petitioner to the post of Supervisor, TASMAC with continuity of service and all attendant, monetary and consequential service benefits.

For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.H.Arumugam
Standing Counsel



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ORDER

Heard Mr.N.Dilip Kumar, learned counsel appearing for the petitioner and Mr.H.Arumugam, learned Standing Counsel appearing for the respondents.

2. The petitioner has filed this petition seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the District Manager, TASMACH, Madurai south dated 14.06.2024 in Na.Ka.No.1081/2024/A7, quash the same and consequently direct the respondents to reinstate him to the post of Supervisor, TASMACH with continuity of service and all attendant, monetary and consequential service benefits.

3. The petitioner who was kept under suspension, in pursuance of certain charges alleged against him has filed this writ petition stating that there are no reasons to place him under suspension.

4. The Attention was drawn to the Code of Prevention and



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Detection of Fraudulent Act in Tamil Nadu State Marketing Corporation Limited - 2014 [hereinafter referred to as 'the Code'] wherein under Rule 6 (d), it is stated that if the charges are grave and if it is found that the continuance of the employee in service is injurious to the interest of fair investigation / disciplinary proceedings, the person concerned shall be suspended pending enquiry.

5. So, it is claimed by Mr.N.Dilipkumar, learned counsel appearing for the petitioner that the impugned order does not reflect any of the situations mentioned under Rule 6 (d) of the Code and hence, the order of suspension is liable to be set aside.

6. However, Mr.H.Arumugam, learned Standing Counsel appearing for the respondents submitted that the allegation is that the petitioner was trying to sell liquor bottles over and above the maximum retail price fixed by the Government and hence, his continuance of employment would be injurious to public interest.



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7. Even though, the impugned order does not state the specific words employed under Rule 6 (d) of the code, it is mentioned in the order that the liquor bottles were being sold at a higher price than the fixed price. The salesman of the shop had also admitted the same and affixed his signature in the Enquiry Report. So far as the petitioner is concerned, he is only a Supervisor. He might not be directly responsible for the acts done by the salesman though he is expected to ensure there is no violation by doing proper supervisions. If there is any lapse on the part of this petitioner in doing timely supervision, then he is answerable. It is learnt that the Charge Memo has been served upon the petitioner on 19.06.2024.

8. In view of the same, the petitioner shall submit his explanation to the Charge Memo and place a request to the respondents to revoke his suspension. On the receipt of the explanation along with the request of the petitioner for revocation of suspension, the respondents shall consider the same in the light of the Rule 6 (d) of the Code and pass appropriate orders within a period of two weeks from the date of receipt of the request. However, it is well within the discretion of the



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respondents to decide whether or not to proceed with the disciplinary action against the petitioner on proper appreciation of facts. It goes without saying that the respondents have to pay subsistence allowance to the petitioner, as long as he is kept under suspension.

9. With the above observations and directions, the writ petition is **disposed of**. No costs. Consequently, connected Miscellaneous Petitions are closed.

21.06.2024

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

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R.N.MANJULA, J.

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