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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P.No.4884 of 2025 and WMP.Nos.5411 & 5412 of 2025
and
W.P.No.4889 of 2025 and WMP.Nos.5415 & 5416 of 2025

R.Subburam ... Petitioner in both writ petitions

Vs

The General Manager (W & A)
Tamil Nadu State Marketing Corporation Ltd.
CMDA Tower II, 4th Floor,
Gandhi-Irwin Bridge Road,
Egmore, Chennai 600008. ...

Respondent in both writ petitions

PRAYER in W.P.No.4884 of 2025: The Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records connected with the proceedings issued in Na.Ka.No.M3/4605/2024 dated 20.12.2024 (served on 06.01.2025) passed by the respondent and quash the same.

PRAYER in W.P.No.4889 of 2025: The Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records connected with the proceedings issued in M3/7432/2024 dated 04.12.2024 passed by the respondent and quash the same and consequently direct the respondent to reinstate the petitioner into service.

In both writ petitions:



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For Petitioner : Mr.S.Ilamvaludhi
For Respondent : Mr.V.S.Saranya
Senior Counsel (for TASMACH)

COMMON ORDER

Since the same petitioner had filed both the writ petitions, both the writ petitions are disposed of by a common order.

2.In W.P.No.4884 of 2025, the petitioner had sought Certiorari seeking records relating to the proceedings issued in Na.Ka.No.M3/4605/2024, dated 20.12.2024, passed by the respondent and to quash the same. In W.P.No. 4889 of 2025, the petitioner had sought Certiorarified Mandamus seeking records relating to the proceedings issued in M3/7432/2024, dated 04.12.2024 passed by the respondent and to quash the same.

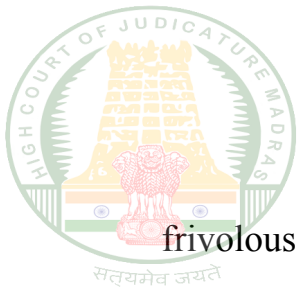
3.The writ petitioner had been appointed as Salesman in the Tamil Nadu State Marketing Corporation Limited Department, on 10.01.2004. He was then selected as Junior Assistant after due process on 06.01.2020. He was then transferred to Salem even before the completion of his probation and he had filed a writ petition and obtained a Stay of such transfer order. These facts are stated since



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the petitioner had alleged that the respondent had acted with malafide intention against him. A charge was issued that the petitioner had not forwarded the files to the Head Office and that he had not behaved in a proper manner during the meeting. This charge memo was issued on 20.12.2024. There were two charges. The first one is that the petitioner had not acted with decorum. The petitioner had given his explanation during the enquiry, that particular charge was held established. The second charge was that owing to the conduct of the petitioner, he had brought disrespect to the respondent. Again the petitioner had given his explanation, but again the respondent has held the charge as established.

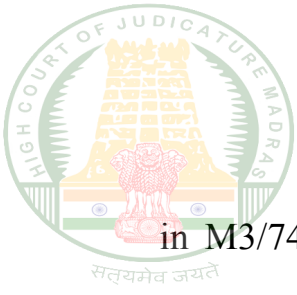
4. There is no charge that the petitioner had indulged himself in an act, which could be termed as causing misappropriation of money or property of the respondent. It is only with respect to the conduct of the petitioner. Good administration would indicate that if any employee is found not behaving in a proper manner, to call the employee and advise him as to how to conduct himself in public and as a representative of the department. Immediately issuing a charge memo and placing the employee under suspension would not solve the issue. The employer should also understand that he has to guide an employee in all matters relating to office behaviour and with respect to administration. Both charges are



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frivolous in nature. The respondent need not have indulged themselves in appointing an enquiry officer and conducting an enquiry and holding that the charges are proved. Behaviour would be viewed as good behaviour by one individual and the very same act would be considered as one not being upto the standard by yet another individual. These are matters of perceptions. I am not impressed with the nature of the charges issued against the petitioner herein and I would therefore allow the writ petition in W.P.No.4884 of 2024 and quash the proceedings in Na.Ka.No.M3/4605/2024 dated 20.12.2024.

5.In W.P.No.4889 of 2024, the charges are more frivolous. The petitioner had been placed under suspension since according to the respondent, he had not produced the files during the meeting and in the counter affidavit, it had been stated that the respondent expected the petitioner to behave “well mannered in meetings”. The respondent can expect a good mannered and well mannered behaviour by their employee only when they set an example of good behaviour. Any employee would follow the footsteps of his employer and would only try to imitate the employer in all aspects, including mannerism. Whether they are well mannered or good mannered is again an issue of perception. The entire issue is a reflective of extreme malice against the petitioner herein. The proceedings issued



in M3/7432/2024, dated 04.12.2024, is quashed and a direction is given to the respondent to reinstate the petitioner into service immediately.

6.Both writ petitions stands allowed. No Costs. Connected miscellaneous petitions are also closed.

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17.04.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To

The General Manager (W & A)
Tamil Nadu State Marketing Corporation Ltd.
CMDA Tower II, 4th Floor,
Gandhi-Irwin Bridge Road,
Egmore, Chennai 600008.

C.V. KARTHIKEYAN,J.

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