



WEB COPY

WA No. 3703 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
&
THE HON'BLE MR.JUSTICE SHAMIM AHMED**

WA No. 3703 of 2025

1. The Additional Chief Secretary
to Government Revenue and Disaster
Management Department, Services Wing,
Ser 2(2) Section, Secretariat, Chennai 9
2. The Additional Chief Secretary/ Commissioner
of Revenue Administration and
Disaster Management, Ezhilagam, Chennai 5
3. The District Collector,
Namakkal

..Appellant(s)

Vs

1. V.Jawahar
S/o Venugopal, No.2, Gowtham Nagar
Extension, Vazudhareddy village, Villupuram
2. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd,
Thalamuthu Natarajan Building, 4th floor,
Egmore, Chennai 8

..Respondent(s)

Prayer: Writ Appeal filed under Clause XV of the Letters Patent to set aside the Order dated 19.09.2022 passed in W.P.No.21770 of 2019 and allow the above Writ Appeal.



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For Appellant(s):

Mr. S. Yashwanth,
Addl. Govt. Pleader

For Respondent(s):

Mr. S. Vijayakumar,
Senior Counsel for
Mr.K.N.Pandiyan for R1

Mr.K. Sathish Kumar,
Senior Counsel for R2

JUDGMENT

(Judgment of the Court was delivered by R. SURESH KUMAR, J.)

This intra court appeal has been directed against the order passed by the Writ Court, dated 19.09.2022 made in W.P.No.21770 of 2019. Against the 1st respondent/writ petitioner, who is the District Manager of the TASMACH, there was a disciplinary proceedings by issuing a charge memo under Rule 17 (a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules.

2. Subsequently, after getting explanation from him for the same set of charges, 17(b) charge had been issued to him and that was questioned before the Writ Court. The charge was that the 1st respondent/writ petitioner being a District Manager of TASMACH was instrumental in opening a TASMACH shop in an alternative new address or location as the earlier shop which was placed very close to the National Highway was closed pursuant to the order passed by the Honourable Supreme court.



3. Before opening the shop, in fact, the respondent/Writ petitioner has secured a permission from the District Collector, who permitted to start the shop in the new location. Since the new location is also in the objectionable area or prohibited area, as against the opening of the shop, a charge has been framed against him.

4. While examining the charge, the learned Judge has found that the charge has not been framed against him, as if he has violated any Rule or as if done with ulterior motive or in order to gain himself or to do some favour to third parties. Therefore, in the absence of any of these ingredients, it cannot be stated that he has violated any of the norms and therefore, the opening of the shop after getting approval from the District Collector cannot be construed as a violation and therefore, the charge memo has been issued arbitrarily and by total non application of mind to the fact that there was no dishonest motive on the part of the petitioner for opening of the shop despite Supreme Court's order and hence the very framing of the charge is liable to be quashed and that was the stand taken by the learned Judge and it is reflected in the impugned order.

5. As against the said order when this appeal was moved, the learned Addl. Govt. Pleader appearing for the appellant would submit that being the District Manager of TASMACH, he must be aware of the Supreme Court's order and whether knowingly or unknowingly if he opened the shop in the prohibited



place, that would amount to violation and therefore, he is liable to be inflicted with the disciplinary proceedings initiated under Rule 17(b) of Tamil Nadu Civil Service (Disciplinary and Appeal) Rules, hence such a procedural formalities being adopted by the employer/Disciplinary Authority may not be found fault with and this position has not been considered in a proper perspective by the learned Single Judge through the impugned order. Hence, It is liable to be interfered at the hands of the Division Bench in the instant appeal.

6. We have heard Mr.S.Yashwanth, learned Addl. Govt. Pleader appearing for the appellant and Mr.S. Vijaya Kumar, learned Senior counsel for Mr.K.N.Pandian appearing for the 1st respondent/writ petitioner and Mr.K.Sathish Kumar, learned Senior Counsel appearing for the 2nd respondent.

7. As has been rightly held by the learned Judge, through the impugned order, the opening of the TASMAC shop is one of the task being given to the TASMAC Managers by the Government or the authority concerned who are running the TASMAC.

8. Once the TASMAC shop was closed and after having found out an alternate place for opening the shop, if the TASMAC Manager writes to the District Collector and after getting permission from the District Collector, once opened the shop, if at all, it is objectionable, whether it can be closed or not, is



the only action that has to be decided by the TASMAC. It does not mean that the very opening of the shop after getting approval or the nod of the District Collector would be violating the rule on the part of the District Manager, TASMAC.

9. Therefore, the very basis of the framing of the charge under Rule 17(b) of Tamil Nadu Civil Service (Disciplinary and Appeal) Rules does not have its substance. Therefore, there is every justification on the part of the Writ Court to interfere with the charge memo.

10. That apart, already for the said violation, charge under Rule 17(a) has been framed which was explained by the petitioner and having considered the explanation, the proceedings could have been completed and concluded by the appellant/employer, but, for the reasons best known to them, they issued 17(b) charge as if illegally or intentionally the 1st respondent/writ petitioner has opened the shop on his own without even having the nod of the District Collector. But the fact remains that only after getting the orders of the District Collector, since shop was established, it cannot be construed as illegal or violative act or dishonest intention on the part of the writ petitioner. Moreover, no disciplinary action has been initiated against the District Collector, as he only had given permission to open the TASMAC shop in the objectionable place. When that being the position, the writ petitioner alone cannot be singled



out, that too, by framing charge under rule 17(b) of the Rules and hence, the interference shown by the learned Single Judge through the impugned order is justifiable, therefore, the impugned order in all respects is sustained. We do not propose to interfere with the same for any plausible reason. In the result, the appeal fails and is liable to be dismissed. Accordingly, it is dismissed. No costs.

11. Since the respondent/writ petitioner has retired from service as stated by the learned Senior counsel for the 1st respondent/writ petitioner and his retirement benefits has not been disbursed so far, there shall be a direction to the appellant/TASMAC to disburse the retirement benefits within a period of two months from the date of receipt of a copy of this order.

[R.S.K.,J.]

[S.S.A.,J.]

10-12-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

msr

To

The Managing Director,
Tamil Nadu State Marketing Corporation Ltd,
Thalamuthu Natarajan Building,
4th floor, Egmore, Chennai 8



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**R.SURESH KUMAR J.
&
SHAMIM AHMED J.**

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