



WEB COPY



W.P.No.18154 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.18154 of 2020

and

W.M.P.No.22568 of 2020

A.N.Sivakumar

...Petitioner

-Vs-

The District Manager (Central)/cum Deputy Collector,
Tamil Nadu State Marketing Corporation (TASMAC),
B4, Ambattur Industrial Estate,
Ambattur, Chennai – 58.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari, calling for the records of the respondent in its Se.Mu.Na.Ka.No.A1/485/2020 dated 27.11.2020 and quash the same and pass such further orders.

For Petitioner : Mr.V.Vijayshankar

For Respondent : Mr.K.Sathish Kumar
Standing Counsel

ORDER

This writ petition is filed to quash the order passed by the respondent vide proceedings in Se.Mu.Na.Ka.No.A1/485/2020 dated



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27.11.2020.

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2. The petitioner was appointed as Shop Supervisor on 20.11.2003.

He has completed 17 years of service and is presently working in shop No.485 at Egmore, Chennai. In February 2018, an incident took place in which one Mr.S.Gunasekar (A1), who was the senior Regional Manager was alleged to have demanded a bribe of Rs.20,000/- from a complainant by name, Mr.Jayaraman. The allegation in the charge is that the amount of bribe of Rs.20,000/- was paid to Mr.K.Ramesh (A2) on instructions of A1. A trap was laid in which A1 and A2 were arrested and remanded. At the time of alleged occurrence, the petitioner was not in service. No arrest was made for the petitioner as he was not involved. While being so, a charge sheet was filed by the Vigilance and Anti Corruption (V and AC) in which the petitioner is arrayed as A3. On 27.11.2020, citing the filing of the charge sheet, the respondent passed the impugned order of termination on the petitioner without issuing any show cause notice or opportunity of hearing. Challenging the same, the present writ petition is filed.

3. Learned counsel appearing for the petitioner would submit that at the time of admission of the writ petition, this Court has granted an order of



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interim stay in W.M.P.No.22568 of 2020 in W.P.No.18154 of 2020 dated 08.12.2020 and the same is in force as on date.

4. Pursuant to the above interim order granted by this Court, the petitioner was reinstated into service on 09.12.2020.

5. Learned counsel would further submit that the impugned order has been passed without giving notice or opportunity of personal hearing to the petitioner, which is in violation of principles of natural justice.

6. Learned standing counsel appearing for the respondent has accepted the contention of the learned counsel for the petitioner that no notice or opportunity of personal hearing was given to the petitioner.

7. In view of the above submission made by the learned counsel on either sides, the impugned order passed by the respondent vide proceedings in Se.Mu.Na.Ka.No.A1/485/2020 dated 27.11.2020 is hereby quashed. It is open to the respondent to initiate fresh action or enquiry by following the principles of natural justice.



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J.SATHYA NARAYANA PRASAD, J.

In the result, **the writ petition stands allowed with the above observations and direction.** Consequently, connected miscellaneous petition is closed.

02.01.2025

cda

Index : Yes/No

Speaking/Non Speaking order

To

The District Manager (Central)/cum Deputy Collector,
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