



WEB COPY

WP No. 39790 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 39790 of 2025

and

WMP Nos.44703 and 44705 of 2025

R.Durai

Petitioner(s)

Vs

The Tamil Nadu State Marketing
Corporation Ltd.,
(TASMAC),
Represented by its District Manager /
Sub Collector,
Coimbatore South,
Coimbatore.

Respondent

PRAYER

Writ Petition is filed under Article 226 of the Constitution of India seeking Certiorari calling for the records relating to the order of the respondent dated 26.09.2025 in Na.Ka.No.794/2025/ Aar.V.1, and quash the same



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For Petitioner : Mr.K.Selvaraj

For Respondent: Mr.K.Sathish Kumar
Standing Counsel

ORDER

This writ petition is filed challenging the order passed by the respondent dated 26.09.2025 whereby the petitioner has been suspended from service.

2. The petitioner was appointed as Supervisor by the respondent on 29.11.2003. While the petitioner was working as Supervisor in Wine Shop No.1859 of the respondent, the petitioner requested leave for two days viz. 20.08.2025 and 21.08.2015. He did not go to duty on both days. While being so, a show cause notice was served on the petitioner on 29.08.2025 alleging that when there was surprise inspection on 21.08.2025 in Wine Shop No.1859, it was found that Assistant Salesman has sold liquor bottle with an additional cost of Rs.10/- per liquor bottle. On receipt of the show cause notice, the petitioner submitted his explanation. However, without considering the same, the petitioner was placed under suspension.



3. The learned counsel for the petitioner would submit that the petitioner was on leave for two days viz. 20.08.2025 and 21.08.2025. In fact, he has also produced the salary slip and his salary for the said two days was also deducted.

4. Per contra, learned Standing Counsel for respondent submitted that the petitioner did not submit any leave letter. He himself was absent and the attendance register was maintained by the petitioner, who was being the Supervisor.

5. On a perusal of the show cause notice, it is noticed that the respondent failed to mention specific date on which the sales man sold the liquor bottle with an additional cost of Rs.10/- per liquor bottle.

6. A similar issue had already been considered by this Hon'ble Court in W.P. No. 33765 of 2024, wherein, by order dated 12.12.2024, the Court held as follows:

“16. (i). The impugned Circular No .Na.Ka.No.14/2024



R2/14589/2018 dated 29.10.2024 is upheld, in as much as it postulates taking of action against all the employees of the shop, however only upon a prima facie case being made out that all the employees of the shop are involved in the said action of collecting the extra amount from the customer and not by way of community guilt, as a matter of rule and as a matter of routine.”

7. In view of the facts and circumstances of the case, it is evident that the petitioner was on sanctioned leave from 20.08.2025 to 21.08.2025, and the inspection was conducted on 21.08.2025, during which he was not on duty. The petitioner was issued with show cause notice alleging that the petitioner failed to supervise the activities of the salesman lacks any factual basis. Furthermore, the impugned order does not specify the exact date of the alleged incident, nor does it disclose any prima facie material establishing the petitioner's connection to the act of overcharging customers. As held by this Court in W.P. No. 33765 of 2024, cited supra, disciplinary action can be initiated against employees only when a prima facie case is made out showing their involvement, and not on the basis of collective guilt or routine presumption.



8. Applying the said principle, this Court holds that the impugned order of suspension dated 26.09.2025 is legally unsustainable and deserves to be set aside. Consequently, the writ petition is *allowed*, the impugned order of suspension dated 26.09.2025 is set aside. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

9. The respondent is directed to reinstate the petitioner in service with all consequential benefits within a period of two weeks from the date of receipt of a copy of this order.

03-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrn



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To
The Tamil Nadu State Marketing
Corporation Ltd.,
(TASMAC)
Rep. by Its District Manager / Sub
Collector,
Coimbatore South, Coimbatore.



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G.K.ILANTHIRAIYAN, J.
mrn

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