



WEB COPY

WP No. 43678 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 12-11-2025**

CORAM

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN**

**WP No. 43678 of 2025**

**and**

**WMP Nos.48786 & 48787 of 2025**

S.Selva Kumar

Petitioner(s)

Vs

The District Manager/Deputy Collector  
Coimbatore(south)  
Tamil Nadu State Marketing Corporation Ltd.,  
Coimbatore District

Respondent(s)

**PRAYER**

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus call for the records relating to the impugned order of suspension dated 9.09.2025 issued by the respondent vide Na.Ka.No. 794/ 2025/ R.V.1 and to quash the same and consequently direct the respondent to allow the petitioner to continue in service with all consequential benefits.

For Petitioner(s): Mr. M.N.Balakrishnan

For Respondent(s): Mr. K.Sathish Kumar,  
Standing Counsel



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**ORDER**

The present Writ Petition has been filed challenging the order of suspension dated 09.09.2025, whereby the petitioner has been suspended from service.

2. The petitioner was appointed as Supervisor on 03.07.2004 at the TASMACH Shop, Tiruppur. During the course of his service, he was assigned supervisory duties at various TASMACH shops. While so, since the petitioner was unwell, he made a request to the respondent authority seeking three days leave from 23.08.2025 to 25.08.2025 on account of his illness. The attendance register also reflects the said period as "Leave". The petitioner has also submitted Medical Certificate for the said period.

3. Subsequently, an inspection was conducted at TASMACH Shop No.2284, during which it was found that the Sales Assistant of the said shop had sold liquor bottles at an additional cost of Rs.10/- per bottle. Based on the findings of the inspection report, the respondent suspended both the said Sales Assistant as well as the petitioner, who was serving as the Supervisor of the shop, from duty. Challenging the same, the present writ petition has been filed.



4. Heard both sides and perused the materials placed on record.

5. A perusal of the records reveals that the petitioner had submitted a leave letter to the respondent on 22.08.2025 for availing three days leave from 23.08.2025 to 25.08.2025 on account of his illness. It is further seen that the inspection was carried out on 23.08.2025. Admittedly, on the said date, the petitioner was on leave and was not performing supervisory duties at the said shop.

6. The impugned order of suspension and the show-cause notice issued to the petitioner state that he had failed to properly supervise the Salesman of the TASMAC shop, which allegedly resulted in overcharging customers by Rs.10/- per liquor bottle. However, it is pertinent to note that the impugned order does not specify the exact dates on which such alleged incidents of overcharging took place.

7. 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.”*

8. In view of the facts and circumstances of the case, it is evident that the petitioner was on leave from 23.08.2025 to 25.08.2025, and the inspection was conducted on 23.08.2025, during which period he was not on duty. Therefore, the finding 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.

9. Applying the said principle, this Court holds that the impugned order of suspension dated 09.09.2025 is legally unsustainable and deserves to be set aside. Consequently, the writ petition is allowed, the impugned order of suspension dated 09.09.2025 is set aside. 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. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Shr

**12-11-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The District Manager/Deputy Collector  
Coimbatore (south)  
Tamil Nadu State Marketing Corporation Ltd.,  
Coimbatore District



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**G.K.ILANTHIRAIYAN J.**

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