

W.P.(MD) No.16154 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 27.06.2025

Pronounced on : 03.07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.16154 of 2016

and

W.M.P. (MD) No.11816 of 2016

P. Subramanian,
S/o.Prammanayagam,
224, North Car Street,
Thoothukudi.

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd,
12, Thambu Swamy Road,
Kilpauk,
Chennai- 600 010.

2.The Regional Manager,
Thoothukudi Region,
Tamil Nadu Civil Supplies Corporation,
Thoothukudi.

... Respondents

PRAYER in W.P.:

To pass a Writ of Certiorarified Mandamus or any other order or direction more in the form of Writ, calling for the records pertaining to the order passed by the 1st respondent as Se.Mu.A.No.AD2/72954/2012 dated 18.05.2015 and consequently the order passed by the 2nd respondent as Na.Ka. No.E2/5838/2011 (2) dated 28.03.2012 and quash



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the same as void and illegal and thereby directing the respondents, to re-instate the petitioner, in the same post he was holding and pass such other orders as this Court deems fit and proper under the circumstances of this case and thus render justice.

PRAYER IN W.M.P.:

To dispense with the production of the originals of the impugned orders Na.Ka.No.E2/5838/2011 (2) dated 28.03.2012 passed by the second respondent and Se.Mu.A.No.AD2/72954/2012 dated 18.05.2015, and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner	: Mr. F.X.Eugene
For Respondents	: Mr.G.Mohankumar, Standing Counsel for R2

J U D G M E N T

Heard.

2. The Petitioner, who was initially appointed as a Watchman, was subsequently promoted to the post of Packer by the 1st Respondent, Tamil Nadu Civil Supplies Corporation - a State owned undertaking engaged in the storage and distribution of essential commodities. While serving as a Packer at the Ashok Nagar Branch in Thoothukudi District under the



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control of the 2nd Respondent, a surprise inspection revealed that the Petitioner, in collusion with the Bill Clerk, was responsible for a shortage of stock valued at approximately Rs. 2 lakhs. It was found that the Petitioner and the Bill Clerk had sold the commodities in the open market and derived pecuniary gain therefrom.

3. Pursuant to the issuance of a charge sheet and conduct of a departmental inquiry, the Petitioner was dismissed from service by the 2nd Respondent. On appeal, the matter was remanded to the 2nd Respondent with a direction to pass a consolidated order along with the disciplinary proceedings pending against the co-delinquents. Thereafter, the 2nd Respondent once again passed an order of dismissal, which the Petitioner challenged by way of an appeal to the 1st Respondent. As no order was passed on the said appeal, the Petitioner was constrained to approach this Court. Pursuant to the directions issued by this Court, the 1st Respondent passed final orders dismissing the appeal and confirming the order of dismissal issued by the 2nd Respondent. It is against the said order that the Petitioner has approached this Court by way of the present Writ Petition.



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4. The circumstances leading to the initiation of disciplinary action against the Petitioner have been explained in the counter affidavit filed by the 2nd Respondent. The relevant averments found in paragraphs 4 and 5 of the said affidavit are extracted below:-

“4. I respectfully state that the petitioner who was working as a Packer in the 2nd respondent fair price shop Ashok Nagar at Thoothukudi, along with the Bill Clerk. As per the duties and responsibilities fix to them. They were jointly and severally liable if any misconduct or commission omission found out in the above said fair price shop and they were liable to pay the penalty etc., to the 2nd respondent office. During tenure of their service the petitioner and other employee were committed serious misconduct and manipulation of records and created focus bill and sold the goods in the open market and same was found out by the one Mr.A.Natarajan, working as a area officer during the inspection for the period from 01.10.2010 to 31.12.2010 and arrived a loss amount of Rs.2,01,600/- on 23.03.2011 for quantity of rice 9600 Kg.

5. Hence, the 2nd respondent has initiated disciplinary actions against them and the petitioner was placed under suspension through proceedings in Na.Ka.No.E2/5838-2011(2) dated 14.06.2011 and issued a charge memo dated 14.06.2011 and he submitted his explanation on 20.06.2011



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and same was not accepted and ordered for to conduct domestic enquiry and an enquiry officer conducted the enquiry and reasonable opportunities were given to him The enquiry officer submitted his report on 28.06.2011 stating that all the charges were proved against the petitioner and for the proved charges the 2nd respondent giving opportunity issued a second show cause notice dated 30.06.2011 along with enquiry report. The petitioner has submitted his explanation regarding the enquiry report on 05.07.2011. “

5. The 2nd Respondent has also justified the order of dismissal in paragraph 10(4) of the counter affidavit, the relevant portion of which is extracted below:-

“10.(4). The averment grounds made in para 'd' is false and not correct. The petitioner as a Packer and co-delinquent Bill Clerk were jointly severally liable if any commission / omission found out in the Amudham Retail Shop. The petitioner and co-delinquent were working for the period from 01.10.2010 to 31.12.2010 and during the 3 months they were created focus bill without entry in the disbursement C register and sold the goods in the open market for quantity of 9600 Kg rice and value of Rs.2,01,600/- and they have committed personal gain and cause loss to the Corporation as well as the Government and they were jointly and severally liable to repay the penalty amount.”



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6. Though it was contended on behalf of the Petitioner that the inquiry was not properly conducted and that the blame attributable to the Bill Clerk was unfairly shifted on to the Petitioner, this Court finds no material on record to accept such a contention. The inquiry proceedings conducted against the Petitioner do not suffer from any procedural infirmity, and in light of the gravity of the proved charges, the order of dismissal cannot be held to be either disproportionate or legally untenable. Accordingly, no case is made out for interference. The Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

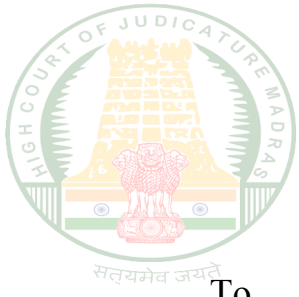
03.07.2025

Index : Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

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To

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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgment
made in
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