

WP(MD)No.20439 to 20441 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 16 .05.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.20439 to 20441 of 2022
and
WMP(MD)Nos. 14803 to 14805 of 2022**

K.Mayakannan	... Petitioner in WP(MD)No.20439 of 2022
S.Murugan	... Petitioner in WP(MD)No.20440 of 2022
V.Ramasamy	... Petitioner in WP(MD)No.20441 of 2022

Vs

- 1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited
(TASMAC),
Egmore, Chennai – 600008.
- 2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited
(TASMAC),
Plot No.100,
Anna Nagar, Madurai – 20.
- 3.The District Manager (Incharge),
Tamil Nadu State Marketing corporation Limited
(TASMAC),
Madurai South, Madurai District.

... Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records pertaining to the impugned order passed by the 3rd respondent herein vide Na.Ka.No. 2974/2022/A dated 22.08.2022 and quash the same as illegal.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.H.Arumugam

in all petitions

COMMON ORDER

All the three petitioners are Salesmen of in the TASMACH shops. They have filed these writ petitions challenging the order of suspension dated 22.08.2022. The petitioners have been suspended by the management that they gave interview in Sathiyam TV and Thanthi TV on 06.08.2022 with an intent to diminish the name, interest, goodwill of the TASMACH and this conduct is against the Employees Conduct Code -2014 as per circular No.2, dated 21.01.2019.

2.The case of the petitioners is that one Rajeswari, then District Manager, TASMACH, Madurai South colluding with one Selvam, Supervisor of TASMACH No.5530, Thirumangalam, has collected



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Rs.3,000 to Rs.5,000 as mamool every month from each shop under her

control. She has also retained the employees of TASMAL shops who have been punished for violation of the circular issued by the 1st respondent dated 21.01.2019 and allowed them to continue in the same shops. It is also stated that the said District Manager in violation of the circular dated 03.09.2021 gave additional charges to TASMAL supervisor and employees in another shop, to her whims and fancies and she has collected 30,000/- for transfer and whoever raised objections, were imposed with punishment. With these averments, the petitioners are said to have lodged complaint to the Director of Vigilance and Anti Corruption Department, Chennai. The said complaint of the petitioners was forwarded by the Vigilance Department to the 1st respondent for necessary action. Subsequently, the 2nd respondent by his proceedings dated 13.05.2022 ordered for an enquiry and issued summons for the enquiry on 27.05.2022. The petitioners also claim that they have appeared and submitted their representation. Since the grievances of the petitioners were not addressed by the department, it appears that the petitioners have approached the media and made statement about the organisation and corrupt practice of said Rajeswari, the then District



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Manager, Madurai South, for which they have been issued with the the
impugned suspension orders.

3.Since the issue involved in all three cases are similar, all the three writ petitions have been taken up together and disposed of by this common order.

4.The contention of the petitioners is that the then District Manager, TASMAL, Madurai South indulged in corrupt practice along with Supervisor one Selvam. They have lodged a written complaint to the Director of Vigilance and Anti Corruption and it was forwarded to the 1st respondent. However, the 1st respondent has not attended the same. Therefore, they went before the media.

5.The contention of the respondents is that the petitioners employees of the TASMAL went against the TASMAL before the media on 06.08.2022 as against the code of conduct of the employees issued in Circular No.2 of 2019 dated 21.01.2019. Therefore, they have been issued with the suspension order. With regard to the other contentions of



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the petitioners, the respondents state that the complaint of the petitioners to the Director of Vigilance and Anti Corruption Department, Chennai was forwarded to the 1st respondent on 28.12.2021. The 1st respondent has directed the 2nd respondent to conduct an enquiry and to file a report by proceedings dated 12.04.2022. The 2nd respondent in turn has issued notice on 13.05.2022 for enquiry to be held on 27.05.2022. The District Manager concerned has attended the enquiry and the 2nd respondent has submitted a report on 05.09.2022 that the allegation of corruption as against the District Manager is not proved. In the meantime the petitioners have appeared before the media on 06.08.2022.

6.This Court considered the rival submissions made and perused the materials placed on record.

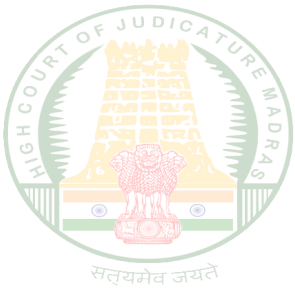
7.The petitioners have been suspended that they appeared before the media that action has not been taken on their complaint of corruption as against the then District Manager one Rajeswari. The petitioners claim that the said Rajeswari along with one Selvam, Supervisor has indulged in corrupt practice, collected mamool every month from the TASMACH



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shops within her control. The petitioners along with these writ petitions have furnished a transcription copy of the conversation said to have taken place between the said Rajeswari and the Supervisor Selvam. The petitioners claim that they have made complaint along with the recording of the conversation between Rajeswari and Selvam. The complaint of the petitioners to the Director of Vigilance and Anti Corruption was forwarded to the 1st respondent for necessary action by proceedings dated 28.12.2021. However, the same was not attended for four months and enquiry was ordered by the 1st respondent through the 2nd respondent on 12.04.2022. The 2nd respondent issued notice on 13.05.2022 for enquiry to be held on 27.05.2022. It appears that the petitioners as well as the District Manager have appeared for enquiry and submitted their statements. The TASMAL claims that the 2nd respondent has submitted a report to the 1st respondent on 25.09.2022. In the meantime, the petitioners have expressed their grievances before the media on 06.08.2022. This conduct of the petitioners appearing before the media as against the establishment, in which they are working cannot be accepted. At the same time, it appears that the said District Manager, Rajeswari was repatriated to her parent department on 03.09.2022.

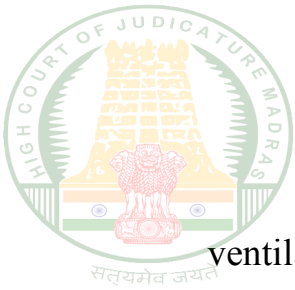


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8.The petitioners have lodged a complaint along with the conversation recording between Rajeswari and Selvam. The 2nd respondent, who conducted an enquiry on the allegations of the employees closed the same that the charges of corruption are without any materials and the alleged conversation in the phone was denied by the Supervisor Selvam. The person against whom allegations are made has been transferred and repatriated to the parent department and it is reported that she has retired from service. However the petitioners' complaint has been closed by recording the statement of the said Selvam that the conversation is not that of him.

9.The available materials show that there is something wrong in the department. The TASMAC is run by the government in order to prevent causalities on account of illicit arrack and it should not allow any corruption in the department. The department has to realise its mistake.

10.In view of the above discussion, this Court is of the view that there is something wrong in the department and the complaint of these petitioners was not addressed properly. Therefore, the petitioners have



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ventilated their grievances before the media. However this act of the petitioners is in violation of the circular No.2 of 2029, dated 21.09.2019 of the respondent corporation.

11.This Court while entertaining the writ petitions has granted an order of interim stay of the impugned suspension orders. Pursuant to the same, the petitioners are working in the respondent Corporation for the past two years. Considering the manner in which the issue has been handled, this Court sets aside the impugned suspension orders with liberty to the respondent corporation to initiate disciplinary proceedings as against the petitioners for violating the aforesaid circulars.

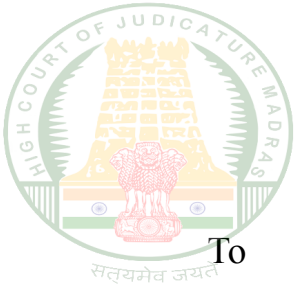
12.The writ petitions are disposed of in the above terms. No costs. Consequently connected miscellaneous petitions are closed.

16.05.2025

DSK

Index: Yes/ NO

NCC: Yes/ NO

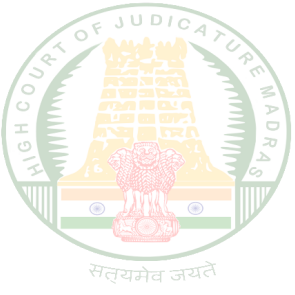


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