



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 18842 of 2026
and WMP No.20125 of 2026**

T.Venkatesan
S/o.Thanikachalam,
No.1/182, Pudhupettai Village,
Magankaaligapuram Post,
R.P.Pettai,
Thiruvallur.

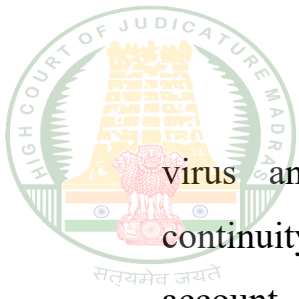
..Petitioner(s)

Vs

1. Tamil Nadu State Marketing Corporation
Rep. by its Managing Director,
CMDA Tower- II,
4th Floor, Gandhi Irwin Bridge Road,
Egmore, Chennai- 600 008.
2. The Senior Regional Manager
Tamil Nadu State Marketing Corporation,
Chennai Region-II,
4th Floor, L.L.A. Building,
No.735, Anna Salai,
Chennai- 600 002.
3. The District Manager ,(Thiruvallur West),
Tamil Nadu State Marketing Corporation,
G-29 and 30, Industrial Estate,
SIDCO Road, Kakkalur,
Thiruvallur District -602 003.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the entire records pertaining to the order in Ref. Na.Ka. No.A4/ 3844/ 2010 dated 17.08.2024 passed by the 3rd respondent and to quash the same as illegal ultra-



virus and thereby directing the respondent to reinstate the petitioner with continuity of services, back wages with all other attendant benefits taking into account of the acquittal in C.C.No.12 of 2012 dated 12.02.2019 on the file of the Judicial Magistrate No.I, Poonamallee, Tiruvallur District as claimed by the petitioner representation dated 27.10.2025 in a time bound period.

For Petitioner(s): Mrs.U.Santhana Lakshmi

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

ORDER

The writ petition is filed for the relief set out below:

"calling for the entire records pertaining to the order in Ref. Na.Ka. No.A4/ 3844/ 2010 dated 17.08.2024 passed by the 3rd respondent and to quash the same as illegal ultra- virus and thereby directing the respondent to reinstate the petitioner with continuity of services, back wages with all other attendant benefits taking into account of the acquittal in C.C.No.12 of 2012 dated 12.02.2019 on the file of the Judicial Magistrate No.I, Poonamallee, Tiruvallur District as claimed by the petitioner representation dated 27.10.2025 in a time bound period."

2. It is the case of the petitioner that he was working in the Shop which is functioning under the control of the third respondent. While so, the third respondent *vide* order dated 29.12.2010, removed him from service with effect from 30.12.2010 due to alleged cash shortage of Rs.7,08,000/- in the Shop No.8896 where the petitioner was working. Later, the petitioner was acquitted by the Judicial Magistrate Court No.I, Poonamallee, by an order dated 12.02.2019. Thereafter, instead of reinstating the petitioner, the third respondent



by an order dated 29.11.2021 has ordered for enquiry and called upon the petitioner to attend the enquiry for the very same charge. Therefore, the petitioner filed a writ petition in W.P.No.987 of 2022 before this Court. This Court, by an order dated 29.01.2024, directed the respondents to proceed with the disciplinary proceedings against the petitioner after serving a charge memo and in accordance with law.

3. Thereafter, the third respondent issued a charge memo dated 24.06.2024, for which, the petitioner had sent a reply dated 08.07.2024. Without appointing enquiry officer, the third respondent passed the impugned order dated 17.08.2024. Aggrieved by the same, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The petitioner has challenged the rejection of his request seeking to reinstate him with continuity of services, backwages with all attendant benefits on account of his acquittal in C.C.No.12 of 2012 dated 12.02.2019 on the file of the Judicial Magistrate Court No.I, Poonamallee, Tiruvallur District. The disciplinary proceedings were directed to be proceeded against the petitioner after serving him with a charge memo by orders of this Court in writ petition in W.P.No.987 of 2022 dated 29.01.2024. The petitioner has been dismissed on



account of cash shortage of a sum of Rs.7,08,000/- at Shop No.8896. The genesis for the dismissal is this allegation. The criminal proceedings in C.C.No.12 of 2012 on the file of the Judicial Magistrate Court No.I, Poonamallee, Tiruvallur District was initiated in respect of this charge. By an order dated 12.02.2019, the petitioner herein who was the first accused and four others were acquitted. The learned Judicial Magistrate had observed as follows:

“19. புலன் விசாரணை அதிகாரி தனது சாட்சியத்தில் ஐந்தாம் குற்றவாளி மகேஷ் கடை எண் 9185ஐ தணிக்கை செய்யப்பட்ட காலமான அக்டோபர் மாதம் முழுவதும் வேலைக்கு வராமல் மருத்து விடுப்பில் இருந்தார் என்பதை நான் தெரிந்து கொள்ளவில்லை என்று சொன்னால் சரிதான் என்றும் இவ்வழக்கில் நான்காம் குற்றவாளி பரமசிவம் இவ்வழக்கில் சம்பவ காலத்திற்கு முன்பே பணியிடை நீக்கம் செய்யப்பட்டிருந்தார் என்பது எனக்கு தெரியாது என்றும் 05.08.2010 முதல் 4ம் எதிரி சஸ்பெண்ட் செய்யப்பட்டுள்ள விவரம் தெரியுமா என்றால் தெரியாது என்றும் கூறியுள்ள நிலையில் **இவ்வழக்கில் சம்பவம் நடந்த காலகட்டத்தில் 1 முதல் 5 எதிரிகள் மேற்படி கடைகளில் பணியில் இருந்தார்கள் என்பதை காட்ட அரசு தரப்பில் ஆவணங்கள் ஏதும் தாக்கல் செய்யப்படவில்லை.** இவ்வழக்கில் மேற்படி கடைகளிலிருந்த காலி பாட்டில்கள் மற்றும் உடைந்த பாட்டில்கள் கணக்கிடப்படவில்லை என்றும் குடோனிலிருந்து வந்த சரக்குகள் அனுப்பப்பட்டது என்ற விவரம் குறித்தும் மற்றும் விற்பனையான சரக்குகள் விவரம் குறித்தும், இருப்ப, விவரம் குறித்து தெளிவான கணக்குகள் அரசு தரப்பில் சமர்ப்பிக்கப்படவில்லை. மேலும் அ.த.சா.ஆ.4 மற்றும் அ.த.சா.ஆ.5 ஆகிய ஆய்வறிக்கைகளின் நகல்களான எ.த.சா.ஆ.1 மற்றும் எ.த.சா.ஆ.2ல் Misappropriation Nil என்று குறிப்பிடப்பட்டுள்ள நிலையில் எதிரிகளுக்கு எதிரான அரசு தரப்பு நிரூபணம் செய்யப்படவில்லை என்று இந்நீதிமன்றம் கருதுகிறது.”

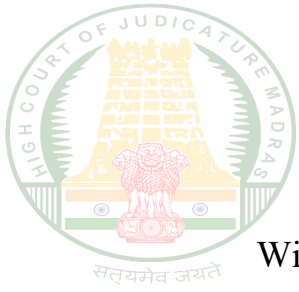


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6. Therefore, there is a clear finding of a Court that the respondents have not even proved that the petitioner and others had worked in the said shop. However, the impugned order does not refer to the above finding nor has any material been referred to which has prompted the third respondent to pass the impugned order. In fact, there is absolutely no discussion in this regard. The petitioner's request has been rejected on the basis of one line non - speaking order which has been extracted herein below.

“தனியர் குற்றக்குறிப்பாணைக்கு அளித்த விளக்கம்
போதுமானதாக இல்லை. இவருடைய விளக்கம் ரற்புடையதாக இல்லை
எனவே இவருக்கு பணி வழங்க இயலாது என்பதை
தெரிவித்துக்கொள்கிறேன்.”

7. The aforesaid order cannot be sustained and therefore, the impugned order stands quashed and the matter is remitted back to the respondents. The respondents shall consider the application afresh and shall take into consideration the judgment of the Criminal proceedings in C.C.No.12 of 2012 which has been referred *supra* and pass orders on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner within a period of three months from the date of receipt of a copy of this order.



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With the above directions, this writ petition is allowed. Consequently, connected miscellaneous petition stands closed. No costs.

05-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssa

To
1.Managing Director,
Tamil Nadu State Marketing Corporation
CMDA Tower- II,
4th Floor, Gandhi Irwin Bridge Road,
Egmore, Chennai- 600 008.

2.The Senior Regional Manager
Tamil Nadu State Marketing Corporation,
Chennai Region-II,
4th Floor, L.L.A. Building,
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WP No. 18842 of 2



P.T.ASHA, J.

ssa

WP No. 18842 of 2026

05-06-2026