

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.10604 of 2015 and
M.P.Nos.1 and 2 of 2015

K.Dhamodharan

...Petitioner

vs.

The District Manager,
Tamil nadu State Marketing Corporation (TASMAC)
Vellore District.

... Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, calling for the records on the file of the respondent in connection with the proceedings in No.Che.Mu.Na.Ka.No.A2/1300(iv)/C.V. 2013 dated 09.11.2013 and Na.Ka.No.A2/1300(IV)/C.V.2014 dated 15.09.2014 quash the same and consequently direct the respondent to reinstate the petitioner with all service, monetary and attendant benefits.

For Petitioner : Ms.Lesi Saravanan

For Respondent : Mr.S.Muthuraj

O R D E R

By consent, the writ petition is taken up for final disposal during the time of admission.

2. The petitioner was working as Salesman in TASMAC Shop No.11266. One Mr.Baskaran was Supervisor in the said shop. Due to some misconduct allegedly committed by the petitioner and the said Baskaran, they were discharged from service by order dated 09.11.2013, without conducting any enquiry. Challenging the said order, Mr.Baskaran filed a writ petition, being W.P.No.8231 of 2014. This Court vide order dated 20.03.2014 granted interim stay on the ground that the impugned order therein was passed without any charge memorandum and without holding any enquiry.

2. In view of the order passed by this Court, the respondent by an order dated 04.04.2014 reinstated Mr.Baskaran into service, however, no charge memorandum was issued to him. But the petitioner was issued with a charge memo dated 15.09.2014. In these

circumstances, the petitioner has filed this writ petition, seeking to quash the discharge order dated 09.11.2013 as well as the charge memo dated 15.09.2014.

3. As far as the order dated 09.11.2013 is concerned, it was taken as order of discharge by this Court in the order dated 20.03.2014 in W.P.No.8231 of 2014 and M.P.No.1 of 2014. Hence, stay was granted.

4. In my view, the discharge order could be quashed, in view of the fact that charge memo dated 15.09.2014 is issued. Since the respondent has chosen to reinstate the Supervisor viz., Baskaran into service by order dated 04.04.2014, I am of the view that the writ petition could be disposed of directing the respondent to restore the petitioner into service forthwith.

5. Accordingly, the writ petition is disposed of, directing the respondent to restore the petitioner into service forthwith. The respondent is at liberty to proceed with departmental enquiry on the charge memo dated 15.09.2014 issued to the petitioner, if charge memo is also issued to the Supervisor Mr.Baskaran; otherwise, they cannot proceed against the petitioner also.

6. The writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

svki

s/d-
Assistant Registrar(V)

True Copy

Sub-Assistant Registrar

To

The District Manager,
Tamil nadu State Marketing Corporation (TASMAC)
Vellore District.

+ 1 cc to Mr.S.Muthuraj, Advocate SR 20318

+ 1 cc to M/s.Lesi Saravanan, Advocate SR 20460

kk(co)
prk7/5

Writ Petition No.10604 of 2015