

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.16822 of 2015

B.Prakash

.. Petitioner

Vs

1. The State of Tamil Nadu
rep. by the Secretary to Government,
Department of Excise and Prohibition,
Fort St. George, Chennai.
 2. Tamil Nadu State Marketing Corporation
Limited (TASMAC) rep. by its
District Manager, MSR Complex, Dayalan Street,
Goundampalayam, Coimbatore-641 030.
 3. The District Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Udhagamandalam-643 200,
Nilgiris District.
 4. The Assistant Manager,
Accountant Section,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Udhagamandalam-643 200,
Nilgiris District.
- .. RESPONDENTS

Prayer : Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari, calling for the records of the proceedings in Na.Ka.Si.En.00179/2014, dated 09.01.2015 and quash the same and consequently direct the respondents to reinstate the petitioner as Supervisor.

For petitioners : Mr.P.V.Ravi Chandran

For Respondents : Mrs.M.E.Raniselvam,
Additional Government Pleader for R1
Mr.S.Muthuraj, Standing Counsel
for RR2 to 4

O R D E R

The petitioner was dismissed by an order of the 3rd respondent dated 09.01.2015 based on certain allegations, after a departmental enquiry. This writ petition is to quash the dismissal order and for direction to reinstate him in service.

2. The learned counsel for the petitioner states that on the same set of allegations, a criminal prosecution was launched against the petitioner along with co-worker and the same is ended in acquittal. The learned counsel also submitted that when this writ petition came up for admission on 15.06.2015, this Court recorded the submission of the learned counsel for the petitioner that no enquiry was held before passing the dismissal order and no departmental witnesses were examined and no documents were marked and the enquiry was closed simply recording the statement from the petitioner.

3. It is well-settled that if an enquiry was conducted without examining any witness and without marking any document, then the findings based on such enquiry is totally perverse.

4. Taking into account the aforesaid facts, the Writ Petition is disposed of directing the petitioners to prefer an appeal against the order dated 09.01.2015 of the third respondent to the Appellate Authority, namely, the Senior Regional Manager, Tamil Nadu State Marketing Corporation Limited (TASMAC), Coimbatore, within a period of two weeks from the date of receipt of a copy of this Order and if such appeal is filed, the appellate authority is directed to consider the same, in the light of the acquittal of the petitioner by the criminal court, as per the submission of the learned counsel for the petitioner, and pass orders on merits and in accordance with law, within a period of four weeks thereafter. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

gg

To

1. The Secretary to Government,
State of Tamil Nadu,
Department of Excise and Prohibition,
Fort St. George, Chennai.
 2. Tamil Nadu State Marketing Corporation
Limited (TASMAC) rep. by its District
Manager, MSR Complex, Dayalan Street,
Goundampalayam, Coimbatore-30.
 3. The District Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Udhagamandalam-643 200,
Nilgiris District.
 4. The Assistant Manager,
Accountant Section,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Udhagamandalam-643 200,
Nilgiris District.
- +1 cc to Mr.P.V.Ravi Chandran Advocate sr.32177
+1 cc to Mr.S.Muthuraj Advocate sr.32199
+1 cc to The Government Pleader, sr.32630 (26/10/2015)

W.P.No.16822 of 2015

bvr(co)
aa11/08/2015

सत्यमेव जयते

WEB COPY