

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.3.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.33687 of 2014
and
MP.Nos.1 and 2 of 2014

J.K.Dhanapal

Vs.

...Petitioner

The District Manager
Tamil Nadu State Marketing Corporation
(TASMAC)
29-30, SIPCOT Industrial Estate
Kakkalur, Tiruvallur 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.Se.Mu.Ka.No.3326 of 2010 dated 02.3.2011 and quash the same and direct the respondent to reinstate the petitioner in service with all service, monetary and attendant benefits.

For Petitioner : Mr.Lesi Saravanan

For Respondents : Mr.S.Muthuraj

सत्यमेव जयते
O R D E R

While the petitioner was working as Bar Attender attached to shop No.8720, the respondent conducted internal audit. The audit party reported that there is a shortage of Rs.11,57,908/-. The respondent made a complaint and pursuant to the said complaint, police registered FIR. The petitioner and three other employees were placed under suspension. The respondent initiated Disciplinary Proceedings against the other employees. Though the petitioner was also suspended from service by order dated 02.3.2011, proceedings were not taken against him. The respondent concluded the enquiry and found that Supervisor alone was responsible. There was no finding of misconduct against other

employees. The respondent appears to have reinstated another employee, by name, Venkatesan. The petitioner is also similarly situated. The petitioner seeks a direction to the respondent to revoke the order of suspension and permit him to join duty forthwith.

2. The learned standing counsel for TASMAC, on instruction, submitted that the case of the petitioner would also be considered in the light of the order passed by the respondent in the case of Thiru.Venkatesan, who was also an employee, against whom proceedings were earlier taken by the Corporation.

3. The respondent is directed consider the case of the petitioner for revocation of suspension in the light of the order passed by the respondent in the case of co-employee, Venkatesan. Such exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

True Copy

Sub Assistant Registrar

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To

The District Manager
Tamil Nadu State Marketing Corporation
(TASMAC)
29-30, SIPCOT Industrial Estate
Kakkalur, Tiruvallur District

1CC to M/s. Lesi Sarvanan, Advocate SR 13215

1CC to Mr.S.Muthuraj, Advocate SR 13787

W.P.No.33687 of 2014
and M.P.No.1 & 2 of 2014

KM [CO]
PSI 21.03.2015