

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.18098 of 2015

G.Srinivasan

... Petitioner

vs.

- 1.The Chairman of TASMAL LTD
Fort St.George,
Secretariat, Chennai - 600 009.
- 2.The Managing Director,
TASMAL Ltd., 4th Floor,
CMDA Tower - II, Egmore,
Chennai - 600 008.
- 3.The District Manager, Chennai (South)
IMFS Depot, TASMAL Ltd., TASCOT Unit,
B4 Flats, Industrial Estate,
Ambattur, Chennai - 58.
- 4.The Assistant Manager, Chennai (South)
IMFS Depot, TASMAL Ltd., TASCOT Unit,
B4 Flats, Industrial Estate,
Ambattur, Chennai - 58.
- 5.The Collector,
Chennai District, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the respondents to consider the petitioner's representation dated 12.06.2015 and reinstate the petitioner in employment in TASMAL Shops in Chennai as Salesman.

For Petitioner : Mr.C.Umashankar
For Respondents : S.Muthuraj
for R1 to R4
Mr.K.V.Dhanapalan
Addl.Govt.Pleader for R5

O R D E R

With the consent of both sides, the writ petition is taken up for final disposal at the admission stage.

2. The petitioner was appointed as Salesman in the TASMAL shop vide order dated 05.12.2003. While so, he was placed under suspension by an order dated 10.06.2010.

3. According to the petitioner, no departmental proceeding was initiated after suspension. On the other hand, criminal proceeding was initiated against him and two others in C.C.No.7446 of 2010 before the 23rd Metropolitan Magistrate, Saidapet, Chennai. After trial, on 14.03.2012, the learned Magistrate acquitted the petitioner including two others. Based on the said acquittal, one Ezhil Murugan, who is shown as Accused No.3 in C.C.No.7466 of 2010 was re-instated in service. Hence, the petitioner made representations dated 11.05.2012, 10.08.2012 and 12.06.2015 to reinstate him in service, particularly, in view of the fact that the co-accused was reinstated in service. Now, he has filed this writ petition, seeking to consider his representation dated 12.06.2015 to reinstate him in service, as in the case of one Ezhil Murugan.

4. Heard both sides.

5. As rightly contended by the learned counsel for the petitioner, if Ezhil Murugan, co-accused, was reinstated in service, the petitioner shall also be reinstated in service.

6. Taking into account the narrow prayer made, the writ petition is disposed of by directing the third respondent to consider the representation of the petitioner, dated 12.06.2015 in the light of the above facts and more particularly, the averment that co-accused Ezhil Murugan was reinstated in service and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

svki

To

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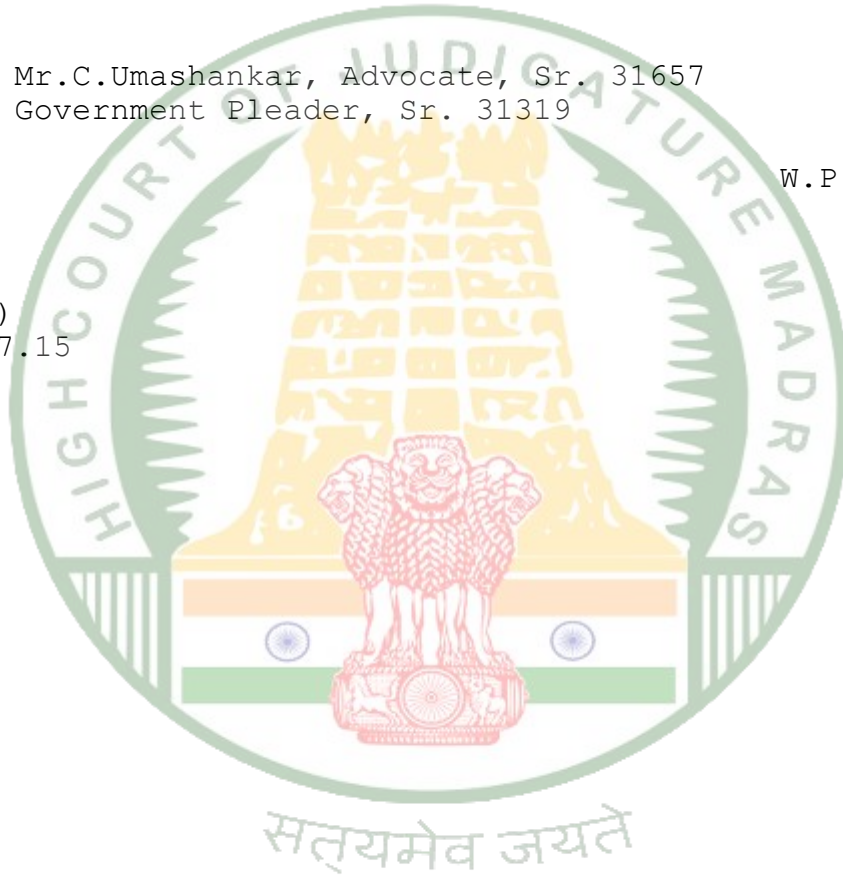
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5.The Collector,
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1 cc to Mr.C.Umashankar, Advocate, Sr. 31657
1 cc to Government Pleader, Sr. 31319

W.P.No.18098 of 2015

KSJ (CO)
EU 08.07.15



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