

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.18112 of 2015

C.Saravanan

... Petitioner

-Versus-

- 1.Tamil Nadu State Market Corporation Ltd.,
TASMAC,
Rep. By its Managing Director,
CMDA Tower -II,
4th Floor, Egmore,
Chennai 600 008.
- 2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
[TASMAC], Coimbatore Region,
No.131-132, Dayalan Street,
Goundanpalayam,
Coimbatore.
- 3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC),
Coimbatore North TASMAC District,
Coimbatore.
- 4.The Enquiry Officer,
O/o. The District Manager,
Coimbatore North TASMAC District,
Cokmbatore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the respondents 2 and 3 to accept the petitioner's Bachelor's Degree and thereby allow him to continue in the job of Supervisor in the present place, without ousting him from service and pass orders to that effect by considering his explanation dated 28.05.2015 to the Memo in Na.Ka.No.46/2015/R.V-1, dated 19.05.2015 issued by the 3rd respondent with a reasonable time to be fixed by this court.

For petitioner : Mr.R.Neelakandan

For Respondents : Mr.S.Muthuraj

ORDER

The petitioner claims that he is a Diploma Holder in Cooperation. He further claims that he has also registered his name in the roll of District Employment Exchange at Dharmapuri.

2. The case of the petitioner is that he has been appointed as a Supervisor in the respondent corporation in the year 2003. It is further stated by the petitioner that he never stated at the time of his appointment that he was in possession of a degree. While so, a charge memo dated 19.05.2015 was issued to the petitioner calling upon him to explain as to why (i) the order appointing him as a Supervisor should not be cancelled; (2) the recovery of salary and other monetary benefits should not be ordered; and also (3) criminal action should not be taken against for having suppressed the details with regard to his education qualification. In this regard, he offered his explanation on 28.05.2015. Now, the grievance of the petitioner is that there is likelihood of ousting him from service on the ground that he did not possess a degree at the time of his employment and only after verifying the educational qualification, he was appointed as Supervisor and he never suppressed any fact with regard to his educational qualification. In these circumstances, the petitioner has come forward with this writ petition seeking positive directions to the respondents 2 and 3 not to oust the petitioner and to allow him to continue in the service as Supervisor and to direct the 3rd respondent to pass appropriate orders on the memo issued by him taking into account the explanation submitted by the petitioner on 28.05.2015.

2. Though a larger relief is sought for in the writ petition, the learned counsel for the petitioner during the course of hearing submitted that the petitioner would be satisfied if a suitable direction is issued to the 3rd respondent to consider the explanation offered by him within a time to be fixed by this court.

3. I have heard the learned standing counsel appearing for the respondents as well.

4. Considering the submissions made on either side and taking into consideration of the facts and circumstances of the case, without going into the merits of the case, the 3rd respondent is directed to consider the explanation offered by the petitioner dated 28.05.2015 and to pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of

a copy of this order. It is further directed that the respondents 1 to 3 shall not disengage service of the petitioner until the final order is passed by the 3rd respondent in the Memo in Na.Ka.No.46/2015/R.V-1 dated 19.05.2015. This writ petition is, accordingly, disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Managing Director, TASMAL Ltd.,
CMDA Tower -II,
4th Floor, Egmore, Chennai 600 008.
- 2.The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Ltd., [TASMAL],
Coimbatore Region, No.131-132,
Dayalan Street, Goundanpalayam,
Coimbatore.
- 3.The District Manager, TASMAL Ltd.,
Coimbatore North TASMAL
District, Coimbatore.
- 4.The Enquiry Officer, O/o. The District Manager,
Coimbatore North
TASMAL District, Coimbatore.

1 cc to M/s. R. Meelakandan, Advocate Sr.30844

सत्यमेव जयते

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PPA (CO)
Eu 10.07.15

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