

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.22909 of 2015
and M.P.Nos.1 and 2 of 2015

T.Archunan

.. Petitioner

Vs.

1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC),
No.19, TS.No.39/I.P., Gandhi Nagar, Pon Nagar,
Trichy-620 001.
2. The District Manager,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC),
No.59-A, Ware Housing Corporation,
Chennai Trunk Road,
Villupuram-605 602.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of order of the second respondent bearing proceedings in Na.Ka.No.R.09/08/(468)/2015, dated 12.03.2015, quash the same and consequently direct the respondents herein to reinstate the petitioner into service.

For petitioner : Mr.K.Sasindran

For respondents: Mr.S.Muthuraj

ORDER

The petitioner was Supervisor in TASMAC Shop No.11645 in Villupuram District and Additional Supervisor of Shop No.11602 of the same District. Pursuant to an inspection conducted in the shop on 10.08.2014, all the employees working in the said shop were placed under suspension, by order dated 11.08.2014. The other employees, namely Mr.V.Muninayagam and Mr.R.Muralimoorthy, who were Salesmen, were also placed under suspension along with the petitioner. In the case of the said R.Muralimoorthy, the second respondent ordered

reinstatement, by proceedings, dated 06.05.2015, based on the instructions, dated 05.05.2015 issued by the first respondent. But the petitioner was dismissed from service, by proceedings dated 12.03.2015 issued by the second respondent, after conducting enquiry. The petitioner filed appeal, dated 22.04.2015, against the said order of dismissal. It is the grievance of the petitioner that the impugned order of dismissal was passed without supplying the copy of the enquiry report or seeking his explanation. Hence, the petitioner prayed that the impugned order of dismissal is liable to be quashed on that score.

2. In view of the fact that the dismissal order was passed without furnishing enquiry report or seeking explanation from the petitioner and also taking note of the fact that the said co-employee, namely Salesman Mr.R.Muralimoorthy was reinstated in service, as stated above, I am inclined to interfere with the impugned order of dismissal passed against the petitioner.

3. Learned counsel appearing for the petitioner submitted that the petitioner is not interested in back-wages and is willing to give up the back-wages for the period of non-employment.

4. In the above circumstances, the impugned order of dismissal is quashed, with a direction to the respondents to reinstate the petitioner within a period of three weeks from the date of receipt of a copy of this order, without back-wages, but with continuity of service and other attendant benefits.

5. It is made clear that the subsistence allowance for the period of suspension till the dismissal order, cannot be recovered or withheld. Apart from payment of subsistence allowance, the petitioner cannot claim the back-wages for the period of non-employment till his reinstatement, as observed above.

6. With the above observations, the Writ Petition is allowed. No costs. The Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC),
No.19, TS.No.39/I.P., Gandhi Nagar, Pon Nagar,
Trichy-620 001.

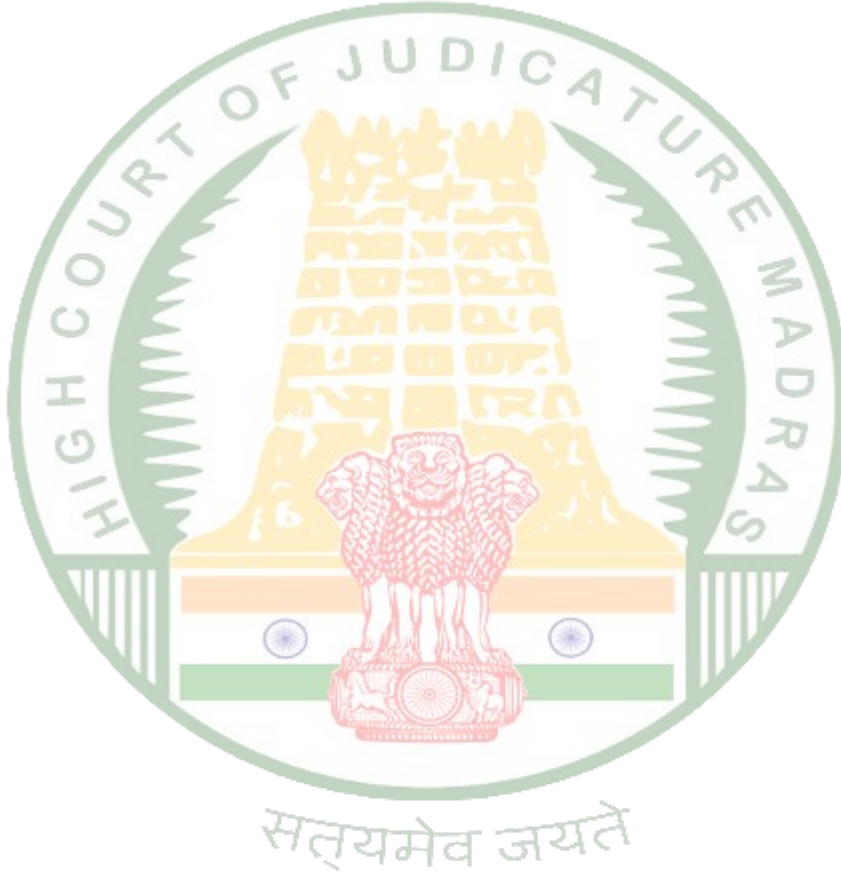
2. The District Manager,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC),
No.59-A, Ware Housing Corporation,
Chennai Trunk Road, Villupuram-605 602.

1 cc to Mr.K.Sasindran , Advocate Sr.No.38838

1 cc to Mr.S.Muthraj, Advocate Sr.No.39413

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ev(co)pmk.17.8.2015



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