

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.23153 of 2015
and M.P.Nos.1 and 2 of 2015

M.Arichandiran

.. Petitioner

Vs.

The District Manager,
Tamil Nadu State
Marketing Corporation (TASMAC),
No.62/70, Anna Salai,
Tiruvannamalai-606 601.

.. Respondent

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 on the file of the respondent in connection with his proceedings in Na.Ka.R.V.2/576/2013, dated 04.04.2015, quash the same and consequently direct the respondent to reinstate the petitioner in service with all service, monetary and attendant benefits.

For petitioner : Mr.Lesi Saravanan

For respondent : Mr.S.Muthuraj

ORDER

The petitioner was working as Salesman in Shop No.9506 in Thiruvannamalaia District. The respondent-District Manager of the TASMAC inspected the said Shop on 14.02.2013 and found certain irregularities like loose-sales, etc. The respondent gave a report, based on which, he himself issued charge-memo against three employees, including the petitioner. The other two employees are one R.Pasupathi and E.Pachaiappan, who are Salesman and Supervisor respectively.

2. The respondent appointed an enquiry officer, who gave a finding that the charge(s) were proved. For the reasons best known to him, the respondent ordered for second enquiry, which was not at the instance of the petitioner, in which also, the charge(s) stood proved. Based on the same, the respondent passed the impugned order of dismissal against the petitioner on 04.04.2015. The petitioner has enclosed both the enquiry reports in the typed set of papers filed along with this Writ Petition.

3. Learned counsel for the petitioner pointed out that no witness was examined and no document(s) was marked in both the above said enquiries. While so, the respondent himself issued enquiry notice and further, took action for third enquiry. It is to be noted that the respondent himself acted as enquiry officer.

4. The other two workmen filed W.P.Nos.20745 and 21428 of 2015 separately before this Court, and this Court allowed both the said Writ Petitions on 13.07.2015 and 15.07.2015 respectively, by following the earlier order of this Court, dated 05.03.2015 passed in W.P.No.28066 of 2015. In these circumstances, the petitioner has filed this Writ Petition to quash the impugned order of dismissal passed against him by the respondent.

5. In this case, the learned Standing Counsel appearing for the respondent-TASMAC submitted that the petitioner could file appeal before the appellate authority, as noted in the impugned order and could point out his grievance and in such event, the appellate authority may be directed to dispose of the appeal, by taking into account the infirmities alleged by the petitioner and follow the earlier orders passed in the connected cases in respect of the above said co-employees.

6. In the above circumstances, this Writ Petition is disposed of, with a direction to the petitioner to prefer appeal before the appellate authority--Senior Regional Manager, Salem, or before the jurisdictional appellate authority, as against the impugned order, dated 04.04.2015, and the said appellate authority is directed to dispose of the said appeal, in the light of the facts stated above, on merits and in accordance with law, within a period of eight weeks from the date of filing of the said appeal before him. No costs. The Miscellaneous Petitions are closed.

सत्यमेव जयते

Sd/-
Assistant Registrar

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Sub Assistant Registrar

CS

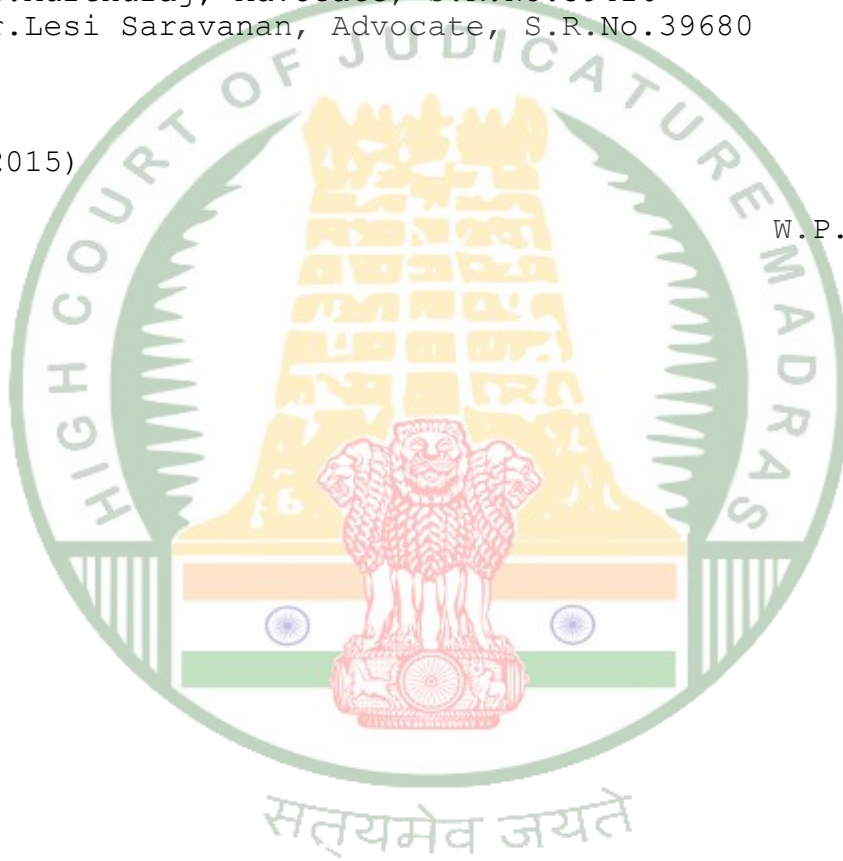
Copy to

The District Manager,
Tamil Nadu State
Marketing Corporation (TASMAC),
No.62/70, Anna Salai, Tiruvannamalai-606 601.

+1cc to Mr.Murthuraj, Advocate, S.R.No.39416
+1cc to Mr.Lesi Saravanan, Advocate, S.R.No.39680

MG(CO)
EU(24/08/2015)

W.P.No.23153 of 2015



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