

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23439/2015 & MP.Nos.1&2/2015

G.Perumal

... Petitioner

Versus

- 1.The Managing Director [TASMAC]
O/o.The Managing Director
TASMAC Ltd., 4th Floor, CMDA Tower-II
Egmore, Chennai 600 008.
- 2.The Senior Regional Manager [TASMAC]
O/o.The Senior Regional Manager
TASMAC Ltd., 45, Brindhavan Road
Fairlands, Salem - 16, Salem District.
- 3.The District Manager
O/o.The District Manager
Arakonam District TASMAC Ltd.,
Arakonam, Vellore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records relating to the order passed by the 3rd respondent vide proceedings Se.Mu.Na.Ka.A2/296/Si.Vi/2014 dated 15.06.2015, dismissing the petitioner from service and quash the same and consequently direct the 3rd respondent to reinstate the petitioner to the service with full benefits.

For Petitioner : Mr.V.R.Appaswamee

For RR 1 to 3 : Mr.S.Muthuraj

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O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he has registered his name in the jurisdictional Employment Exchange and vide order of the 3rd respondent dated 04.12.2013, he has been appointed as Salesman in the services of the Tamil Nadu State Marketing and Corporation Limited [TASMAC] and worked in various branches and so far rendered 12 years of hard, sincere and blemishless service. The petitioner, while working as Salesman in Shop No.1127, at Panavaram, Salem District, on oral instructions of the Management, took leave on

15.10.2014 and 16.10.2014, to go to Tirupathi and during that period one Mr.Raj, employed as as supervisor, was incharge of the said shop. The petitioner on returning from Tirupathi, was called for an enquiry by the Inspector of Police, Prohibition Enforcement Wing, Arakonam and he came to know that the 3rd respondent has conducted a raid in the shop and seized some liquor bottles alleging that the bottles were being mixed with water. In this regard, a complaint was lodged which resulted in registration of a case in Cr.No.274/2014. The petitioner would further state that though 524 brandy bottles were seized and were sent for chemical analysis and the result of which is yet to come, by alleging that the petitioner has been involved in the adulteration of the brandy bottles and also deficit cash of Rs.17,020/-, he was suspended and disciplinary proceedings were initiated, which ultimately ended in the order of removal from service dated 15.06.2015. The petitioner, aggrieved by the said order, filed an appeal before the 2nd respondent on 17.07.2015 and since no orders have been passed, he came forward to file this writ petition.

3.Heard the submissions of the learned counsel for the petitioner Mr.S.Muthuraj, learned counsel who accepts notice on behalf of the respondents.

4.Though the petitioner has prayed for a larger relief for quashment of the impugned order of punishment, this Court, taking into consideration the above facts and circumstances, is of the view that it would be suffice to direct the 1st respondent to consider and dispose of the petitioner's appeal dated 17.07.2015 on merits and in accordance with law within a stipulated time frame.

5.In the result, the writ petition is disposed of and the 1st respondent is directed to consider and dispose of the petitioner's appeal dated 17.07.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

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Arakonam District TASMAC Ltd.,
Arakonam, Vellore District.

+2ccs to Mr.V.R. Appa Swamee, Advocate, S.R.No.39677

+1cc to Mr.S. Muthuraj, Advocate, S.R.No.40127

RJ(CO)
EU(12/08/2015)

W.P.No.23439/2015

सत्यमेव जयते

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