IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-08-2015

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.23654 of 2015
and
M.P.Nos.1 and 2 of 2015

1 Mr. R.Vijayakumar
S/o. Rajagopal No.8/96A Road Street
Kodaikkal Mottur Kodaikkal Post
Solingar Block, Wallajha Taluk,
Vellore District. ... Petitioner

Vs

1 The Managing Director
(TASMAC) Office of the Managing Director
TASMAC Ltd. 4th Floor CMDA Tower-II
Egmore Chennai-8.

2 The Senior Regional Manager
(TASMAC) Office of the Senior Regional
Manager TASMAC Ltd. 56 Brindhavan Road
Fairlands Salem-16 Salem District.

3 The District Manager (TASMAC)
Office of the District Manager Arakonam District
TASMAC Ltd. Arakonam
Vellore District. ... Respondents

Writ Petition under Article 226 of the Constitution of India praying for a writ of certiorari mandamus calling for the records relating to the order passed by the 3rd Respondent vide his proceedings Se.Mu.Na.Ka. A2/562/Si.Vi./2014 dated 30.06.2015 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

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For petitioners : Mr. V.R. Appaswamee
For respondent : Mr. S.Muthuraj for TASMAC

ORDER

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

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2. The petitioner was appointed as Sales Manager in TASMAC and was appointed in Shop No.11146 at Sholingar. He was subsequently transferred to various other branch shops. The petitioner would claim that he has put in unblemished service to the satisfaction of his superior Officers. The petitioner would state that while he was on duty at Shop No.11147 at Sholingar, a flying squad conducted a raid and they took few bottles of liquor and he was also forced to sign on blank papers. The petitioner would state that the third respondent has placed him under suspension on 07-04-2015 and subsequently framed four charges vide proceedings dated 15-09-2014 and called upon him to submit his explanation and the petitioner has denied the same. The domestic enquiry has been conducted wherein it was held that the charges held against the petitioner was held proved. Thereafter, the petitioner was issued with the second show cause notice dated 12-06-2015 for which he has submitted his explanation dated 22-06-2015 and without properly considering the same, the third respondent has passed the order of dismissal from service and challenging the legality of the same, the petitioner has preferred an appeal on 17-07-2015 and came forward to file this writ petition for the early disposal of the appeal.

3. This Court heard the submissions of the learned counsel for the petitioner and Mr. S. Muthuraj, learned counsel appearing for the respondents.

4. Challenging the order of dismissal from service, the learned counsel for the petitioner would submit that though the petitioner would pray for a larger relief, it would suffice if the Court directs the second respondent to consider the appeal filed by the petitioner within a stipulated time.

5. This Court in the light of the facts and circumstances, directs the second respondent 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 ten weeks from the date of receipt of a copy of this order and communicate the decision taken by the second respondent.

6. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

glp

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To

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Vellore District.

+2 ccs to Mr.V.R.Appaswamee, Advocate, sr.40054

W.P.No.23654 of 2015

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