

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.8.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.24584 of 2015

P.Thiru Kumar

...Petitioner

-Vs-

- 1 The Senior Zonal Manager
Tasmac (Tamil Nadu State Marketing
Corporation Ltd) Salem - 16
- 2 The District Manager
Tasmac Limited (Tamil Nadu State Marketing
Corporation Ltd) Arakkonam Vellore District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to reinstate the petitioner in service as a Sales man in TASMAC Shop No.11361 Sumaithangi Arakkonam District based on the petitioners Appeal/representation dated 04.05.2015.

For Petitioner : Mr.M.Rajendiran

For Respondent : Mr.S.Muthuraj

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O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner joined services in the Tamil Nadu State Marketing Corporation Ltd., as Salesman on 29.11.2003 in TASMAC Shop No.11361 at Arakkonam District. According to him, he discharged his duties properly and sincerely to the satisfaction of his superior. It

is stated by the petitioner that on 29.12.2013, the second respondent made a surprise inspection and found one 180 ml brandy bottle was broken and though it was kept separately, the second respondent under mistaken impression that he has committed some irregularity made representation and accordingly, he was placed under suspension on 02.12.2013. Further, he stated that the order of suspension was followed by charge memo dated 13.03.2014. He submitted his written statement of defence on 19.03.2014. Thereafter, Enquiry Officer was appointed on 19.11.2014, who submitted his report on 10.01.2015 stating that the charge framed against the petitioner is proved and the disciplinary authority, without considering the explanation of the petitioner passed an order of removal from service dated 28.4.2015. Challenging the same, the petitioner filed an appeal before the first respondent on 04.5.2015. Since no orders have been passed, came forward to file this writ petition.

3. The learned counsel for the petitioner would submit that the petitioner is having three daughters and one son and on account of removal from service, he and his family are suffering very much. Hence, he prays for reinstatement of the petitioner.

4. Heard the learned counsel for the petitioner and Mr.S.Muthuraj who accepts notice on behalf of respondents 1 and 2.

5. Though the petitioner prayed for a larger relief, this Court, without going into the merits of the case, directs the first respondent to consider and dispose of the appeal/representation dated 04.05.2015 submitted by the petitioner on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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TO

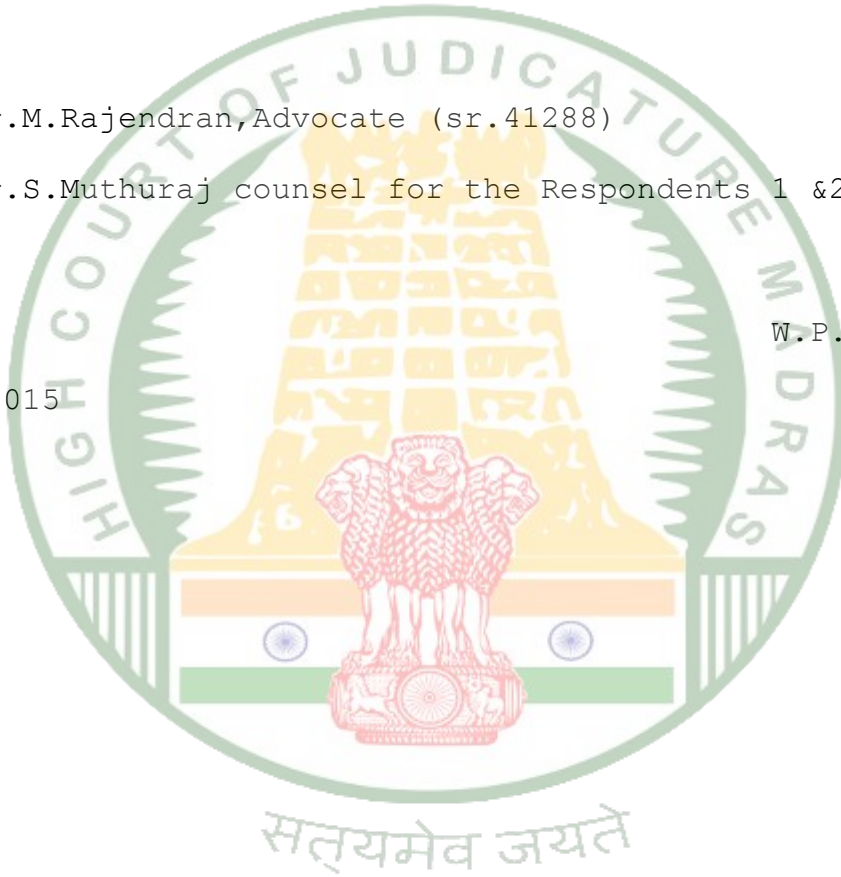
- 1 The Senior Zonal Manager
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- 2 The District Manager
Tasmac Limited (Tamil Nadu State Marketing
Corporation Ltd) Arakkonam Vellore District

+1cc to Mr.M.Rajendran,Advocate (sr.41288)

+1cc to Mr.S.Muthuraj counsel for the Respondents 1 &2 (sr.41435)

W.P.No.24584 of 2015

VGI (co)
cp 24.08.2015



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