

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25709 of 2015

and

M.P.No.1 of 2015

D.Babu

.. Petitioner

- Vs -

The District Manager,
Tamilnadu State Marketing
Corporation Ltd. (TASMAC),
Vellore District.

... Respondent

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the proceedings of the respondent in Che.Mu.Na.Ka.No.A2/1252/C.V./2015 dated 01.08.2015 and quash the same and consequently direct the respondent herein to reinstate the petitioner with all consequential and attended benefits.

For Petitioner : Mr.V.Rajinikanth

For Respondent : Mr.C.Kasirajan

O R D E R

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

2. The petitioner would state that he was appointed as salesman on 31.12.2003 in the TASMAC retail outlet and was working at Shop No.11250 at Chinna Themal Cheru, Vellore district and he was given a consolidated pay of Rs.2000/- per month and deposited a sum of Rs.15,000/- as security deposit. The petitioner would state that he has performed his duties honestly and sincerely to the satisfaction of his superiors and to his shock and surprise, he was issued with the impugned order of termination dated 01.08.2015, stating that he has mixed water in the alcohol and therefore the percentage of alcohol got reduced to 35.90% and the petitioner challenging the legality of the said order has filed this writ petition.

3. The learned counsel appearing for the petitioner would submit that before the petitioner was terminated, he has not been afforded with any opportunity and also he has not been put on notice and hence prays for interference.

4. Per contra, Mr.C.Kasirajan, learned standing counsel who accepts notice on behalf of the respondent, on instructions, would submit that the impugned order is not an order of termination but only an order of suspension and he would further add that the disciplinary proceedings to be initiated against the petitioner would be completed within a short span of time.

5. This Court carefully considered the rival submissions and also perused the materials placed before it.

6. This Court on more than one occasion, repeatedly came across orders as that of the impugned order which is the subject matter of challenge in this writ petition and a perusal of the same would prima facie indicate that it is an order of termination. However, it is the definite stand of the learned standing counsel for the respondent, on instructions, that it is only an order of suspension and the petitioner is still in service.

7. In the light of the specific stand of the learned standing counsel for the respondent, the petitioner is permitted to submit a representation to the respondent praying for revocation / review of the order of suspension, within a period of two weeks from the date of receipt of a copy of this order and the respondent on receipt of the same, is directed to consider the same, in accordance with law and pass orders within a period of four weeks thereafter and communicate the decision taken, to the petitioner. The disciplinary proceedings, if any, to be initiated against the petitioner would depend upon the result of the disposal to be given by the respondent on the representation to be submitted by the petitioner. The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

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To

The District Manager,
Tamilnadu State Marketing
Corporation Ltd. (TASMAC),
Vellore District.

+1 cc to C.Kasirajan, Advocate, sr.44246

+1 cc to V.Rajinikanth, Advocate, sr.44372.

rj(co), kra(1/9)

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