

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.27762 of 2015

and

M.P.Nos.1 and 2 of 2015

M.Arockiasamy

... Petitioner

Vs

1. The Senior Regional Manager
TASMAC Ltd.,
Coimbatore

2. The District Manager
TASMAC Ltd.,
Tiruppur.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings in Na.Ka.No.1304/A/2015 dated 29.7.2015, insofar as the petitioner is concerned passed by the second respondent, and quashing the same and issuing consequential direction to the respondents to reinstate the petitioner in service with consequential benefits.

For Petitioner : Mr.G.Punniyakotti

For Respondents : Mr.C.Kasirajan

ORDER

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

2.The petitioner would state that he was employed as an Assistant Salesman in TASMAC Shop No.1992 at Thelladapalayam, Tiruppur District and when a surprise raid was conducted on 29.7.2015, there was a cash deficit of Rs.3,02,924/- and therefore, the petitioner, the Salesman viz. P.Dhandapani, as well as the Supervisor viz. P.Tamilarasan, were placed under suspension vide order of the second respondent dated 29.7.2015, and challenging the legality of the same, the petitioner came forward to file this writ petition.

3.The learned Counsel appearing for the petitioner, would submit that the Salesman viz. P.Dhandapani, has accepted the guilt and paid the entire amount of Rs.3,02,924/- and therefore, the petitioner cannot be kept under suspension and he submitted a representation dated 3.9.2015, seeking revocation of the order of suspension, and prays for appropriate orders.

4.Per contra, Mr.C.Kasirajan, learned Standing Counsel, who accepted notice on behalf of the respondents, would submit that all of them connived and colluded with each other and temporarily misappropriated the cash amount and as a sequel to the above said act, the amount has been repaid; but, the fact remains that there was a serious delinquency on the part of the above said persons and disciplinary action is also under contemplation.

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

6.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the second respondent to consider the petitioner's representation dated 3.8.2015, for revocation of suspension and pass orders thereon 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. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Senior Regional Manager
TASMAC Ltd.,
Coimbatore
2. The District Manager
TASMAC Ltd.,
Tiruppur.

+1cc to Mr.C.Kasirajan, Advocate, S.R.No.47944
+1cc to Mr.G.Punniyakotti, Advocate, S.R.No.47855

W.P.No.27762 of 2015

SR(CO)
CA(22/09/2015)