

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.28469 & 28505/2015

R.Palani

...

Petitioner in
WP.No.28469/2015

K.M.Karunakaran

...

Petitioner in
WP.No.28505/2015

Versus

1.The Managing Director
Tamil Nadu State Marketing Corporation
Ltd., CMDA Tower, 4th Floor,
Gandhi Irwin Road, Egmore,
Chennai 600 008.

2.The District Manager
Tamil Nadu State Marketing Corporation
Ltd., Thiruvallur District.

... Respondents in both
petitions

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to reinstate the petitioners in the posts of bar attender and Salesman in Shop No.9189 by considering the petitioners' representations dated 03.09.2015.

For Petitioners in
both the petitions : Mr.R.Jayaprakash

For Respondents in
both the petitions : Mr.C.Kasirajan

COMMON ORDER

By consent, the writ petitions are taken up for final disposal.

2 The petitioner in WP.No.28469/2015 has joined the services of the respondent/Corporation as Bar Attender during the year 2004 and was put in-charge of Shop No.9189 and claims to have rendered hard, sincere and blemishless service to the satisfaction of the superior officers. The petitioner was terminated from service on 06.01.2011 alleging that the petitioner has misappropriated a sum of Rs.4,32,939/- and challenging the same, he has filed WP.No.24825/2011 and the same was allowed by this Court vide order dated 12.03.2012 and in compliance of the order, the

petitioner was reinstated in service on 27.04.2012. Thereafter, he was suspended from service on 12.02.2015. The petitioner would state that he has also participated in the enquiry and the 2nd respondent has directed him to deposit a sum of Rs.50000/- as well as the penalty amount. The petitioner has paid the sum of Rs.50,000/-. Thereafter, the petitioner submitted a representation on 03.09.2015 for revoking/reviewing the order of suspension and sought for reinstatement in service due to family circumstances and since no orders have been passed, he came forward to file this writ petition.

3 The petitioner in WP.No.28505/2015 has joined the services of the respondent/Corporation as Salesman during the year 2003 and was put in-charge of Shop No.9189 and claims to have rendered hard, sincere and blemishless service to the satisfaction of the superior officers. The petitioner was terminated from service on 06.01.2011 alleging that the petitioner has misappropriated a sum of Rs.4,32,939/- and challenging the same, he has filed WP.No.19381/2011 and the same was allowed by this Court vide order dated 21.09.2011 and in compliance of the order, the petitioner was reinstated in service on 27.03.2012. Thereafter, he was suspended from service on 26.02.2015. The petitioner would state that he has also participated in the enquiry and the 2nd respondent has directed him to deposit a sum of Rs.1,54,000/- as well as the penalty of Rs.20,000/-. The petitioner has remitted the said amounts. Thereafter, the petitioner submitted a representation on 03.09.2015 for revoking/reviewing the order of suspension and sought for reinstatement in service due to family circumstances and since no orders have been passed, he came forward to file this writ petition.

4 Learned counsel for the petitioners would submit that whatever amounts asked for by the respondents/Corporation, the same have been remitted by the petitioners and there may not be any impediment on the part of the respondents to review the order of suspension and reinstate the petitioners in service and hence, prays for appropriate orders.

5 Per contra, Mr.C.Kasirajan, learned counsel who accepts notice on behalf of the respondents would submit that an Enquiry Officer has already been appointed and he is yet to conclude the enquiry and unless and until the result of the enquiry is made known, the petitioners, as a matter of right cannot claim reinstatement in service and prays for dismissal of this writ petition.

6 This Court heard the rival submissions made on either side and also perused the materials placed on record.

7 Though the petitioners have prayed for larger reliefs, this Court, taking into consideration the above facts and circumstances and without going into the merits of the petitioners' representations, directs the respondents to consider and dispose of the representations of the petitioners dated 03.09.2015 on merits

and in accordance with law and pass orders within a period of four weeks thereafter and communicate the decision taken, to the petitioners herein.

8 The writ petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

AP

To

1.The Managing Director
Tamil Nadu State Marketing Corporation
Ltd., CMDA Tower, 4th Floor,
Gandhi Irwin Road, Egmore,
Chennai 600 008.

2.The District Manager
Tamil Nadu State Marketing Corporation
Ltd., Thiruvallur District.

+1 cc to The Govt. Pleader, sr.49727

+2 cc Mr.R.Jayaprakash, Advocate, sr.49498, 49499

+1 cc to Mr.C.Kasirajan, Advocate, sr.49386

W.P.Nos.28469 & 28505/2015

jp co
kra 21/09

सत्यमेव जयते

WEB COPY