

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28965/2015 & MP.No.1/2015

K.Raghu

..Petitioner

Versus

1.The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Limited [TASMAC]
4th Floor, LLA Building, Anna Salai
Chennai 600 002.

2.The District Manager
Tamil Nadu State Marketing
Corporation Limited [TASMAC]
Kakallur, Thiruvallur 602 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records relating to vide Pro.No.002/2006/A1 dated 16.02.2007 terminated order passed by the 2nd respondent insofar as the petitioner is concerned and petitioner with all back wages.

For Petitioner : Mr.J.Ramkumar

For Respondents : Mr.C.Kasirajan

O R D E R

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

2 The petitioner was appointed on contract basis on a consolidated pay Rs.2000/- per month by the respondent/Corporation vide proceedings dated 28.11.2003 and he was terminated from service during the year 2007 along with Tvl.E.Srinivasan, S.Ramachandran and S.Arumugam on the ground that they have made loose sales of IMF by mixing water and also charged extra. Simultaneously, criminal prosecution was also initiated against the petitioner and 7 others in Crime No.23/2007 by the Inspector of Police, Prohibition Enforcement Wing, Periyapalayam Police Station and the case, after investigation, has culminated into charge sheet and the same was taken on file on the Court of Judicial Magistrate, No.1, Ponneri, who, after full-fledged trial, has honourably acquitted all the accused, vide

judgment dated 07.08.2010. Thereafter, Tvl.E.Srinivasan and S.Ramachandran filed writ petitions challenging the order of termination and it was dismissed and therefore, filed WA.Nos.1317 and 1318/2010 and two other persons similarly placed, have also filed WA.Nos.1315 and 1316/2010 and a Division Bench of this Court, vide common Judgment dated 17.04.2013, has taken note of the common order dated 19.04.2011 made in WP.Nos.9536 of 2011 etc., batch and set aside the order of termination with a further direction, directing the respondent Corporation to take the appellants therein, into service, but without back wages within a stipulated time and thereafter, granted liberty to the respondents to hold an enquiry against them and take necessary action after affording opportunity to them, if it is warranted, after their reinstatement.

3 Learned counsel for the petitioner would submit that the petitioner is similarly placed and hence, prays for appropriate orders.

4 Per contra, Mr.C.Kasirajan, learned counsel who accepts notice on behalf of the respondents, would submit that the petition is guilty of delay and laches for the reason that nearly after eight years, they are challenging the order of termination and prays for dismissal of the writ petition.

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

6 Though the petitioner has sought for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a detailed representation to the respondents within a period of two weeks from the date of receipt of a copy of this order by enclosing all necessary and relevant documents and the respondents, on receipt of the same, are directed to consider such representation on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken to the petitioner.

7 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

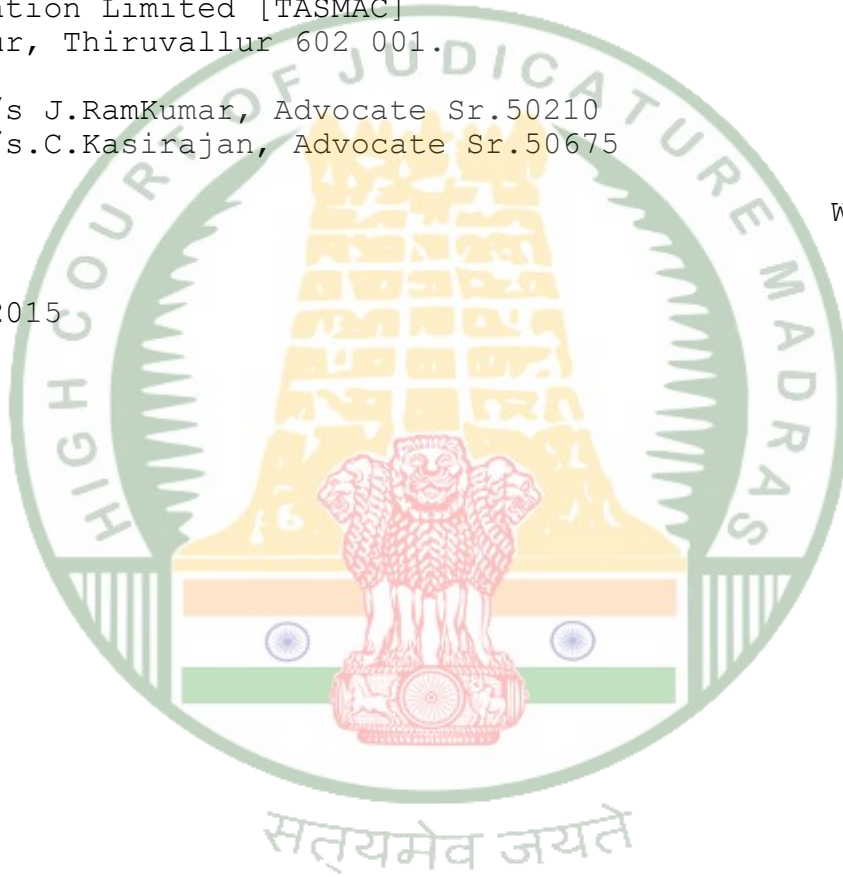
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+1cc to M/s J.RamKumar, Advocate Sr.50210
+1cc to M/s.C.Kasirajan, Advocate Sr.50675

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srg 1.10.2015



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