

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.03.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.21220 of 2013
& M.P.No.1 of 2015

D.Raja

... Petitioner

Vs

1.The Managing Director,
TASMAC Ltd., Chennai,
Thalamuthu Natarajan Building,
Egmore, Chennai-8.

2.The Senior Regional Manager,
TASMAC Ltd., Trichy-Dindigul Main Road,
Trichy.

3.The District Manager,
TASMAC Ltd., Vadakku Mathavi Road,
Perambalur and District.

... Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records of the proceedings of the third respondent in Na.Ka.No.419/C.V/2009/A-1, dated 20.10.2009, proceedings of the 2nd respondent in MU.Mu.No.4979/09(U) dated 29.12.2009 and the proceedings of the first respondent in Na.Ka.No.8453/R1/2011 dated 18.07.2012, quash the same and consequently, direct the respondents to reinstate the petitioner as Supervisor of the TASMAC shop.
(Prayer Amended as per order of this Court dated 27/2/2015 in MP/14)

For Petitioner : Mr.V.Rajinikanth

For Respondents : Mr.S.Muthuraj

O R D E R

Though miscellaneous petition has been posted today, by consent, the main writ petition itself is taken up for final hearing.

2. Challenging the proceedings dated 18.07.2012, 20.09.2009 and 29.12.2009, the petitioner, who was the Supervisor of the TASMAC shop, has filed the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the issue involved is no longer res integra. Considering the very same issue qua another employee, this Court in W.P.No.17263 of 2012 dated 10.09.2012 set aside the order impugned. The said order has become final and the said employee has since been working. The learned counsel has also produced the copy of the said order.

4. The learned counsel appearing for the respondents does not dispute the said position.

5. This Court, in W.P.No.17263 of 2012 dated 10.09.2012, has passed the following order.

"7. In the result, the writ petition is allowed. The impugned order passed by the second respondent which was confirmed by the first respondent is set aside and the respondents are directed to reinstate the petitioner in service. However, it is made clear that there shall be no impediment for the Enquiry Officer to hold fresh enquiry strictly in accordance with law by following the principles of natural justice and thereafter, it will be appropriate for the second respondent to pass necessary orders. No costs. Consequently, connected miscellaneous petitions are also closed."

6. Considering the same, the orders impugned are hereby set aside on the very same terms and the writ petition is allowed. No costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa

To

- 1.The Managing Director,
TASMAC Ltd., Chennai,
Thalamuthu Natarajan Building,
Egmore, Chennai-8.
- 2.The Senior Regional Manager,
TASMAC Ltd., Trichy-Dindigul Main Road,
Trichy.
- 3.The District Manager,
TASMAC Ltd., Vadakku Mathavi Road,
Perambalur and District.

+lcc to Mr.V.Rajinikanth, Advocate, S.R.No.12828
+lcc to Mr.S.Muthuraj, Advocate, S.R.No.12789

W.P.No.21220 of 2013
and MP No.1/2013

TEJ(CO)
CA(13/03/2015)



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