

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.28609 of 2015

V.B.Suresh

..Petitioner

vs.

The District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Chennai Division, Chennai District,
Tamil Nadu.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider the petitioner representation dated 25.08.2015 to reinstate the petitioner into service as a Salesman in the TASMAC Shop at Chennai with continuity of service, backwages and all other attendant benefits.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.R.Kasirajan
Standing Counsel for TASMAC

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 25.08.2015 to reinstate the petitioner into service as a Salesman in the TASMAC Shop at Chennai with continuity of service, backwages and all other attendant benefits.

2. The petitioner was appointed as a Salesman in the TASMAC Shop No.388 at Pattalam, Chennai and subsequently, transferred to Shop No.386 at Chennai and while he was working as Salesman in the said shop, the petitioner was transferred to Shop No.526. While so, the respondent placed the petitioner under suspension on the following allegations viz., (1) the petitioner had not accepted the charges in Shop No.526, accepting the transfer order, (2) the petitioner absented duty without any prior intimation and (3) the petitioner without reporting to duty, signed in the Attendance Register and drawn wages. The respondent called upon the petitioner to appear for enquiry and he appeared before the

enquiry officer and denied the charges levelled against him and also submitted a written explanation denying the charges. After receiving the written representation from the petitioner, the respondent had not conducted any enquiry and however, placed him under suspension. The petitioner also made a representation to the respondent to provide him with employment and since it was not considered, came forward to file this writ petition.

3. Heard the submissions of Mr.P.R.Thiruneelakandan, learned counsel appearing for the petitioner, Mr.R.Kasirajan, learned Standing Counsel for the respondent and also perused the materials placed before it.

4. This Court, without going into the merits of the claim projected by the petitioner, directs the respondent to consider and dispose of the petitioner's representation dated 25.08.2015 on merits and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on merits and it is for the respondent to decide purely on merits.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jvm

To

The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Chennai Division, Chennai District,
Tamil Nadu.

+ 1 cc to Mr.P.R. Thiruneelakandan, Advocate SR.51587

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CA(CO)
EU 22.09.2016