IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

WP.No.27525 of 2013

V.Ramanthan ..Petitioner

-Vs-

The District Manager,
Tamilnadu State Marketing -
Corporation Ltd, (TASMAC),
Coimbatore Division,Coimbatore,
Tamilnadu. .. Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to reinstate the petitioner in his service as a Salesman in the ''TASMAC'' Shop with continuity of service, Back wages, and all other attendant benefits.

For Petitioner : Mr.P.R.Thiruneelakandan
For Respondent : Mr.C.Kasirajan
Standing Counsel

ORDER

Heard Mr.P.R.Thiruneelakandan, learned Counsel for the petitioner and Mr.C.Kasirajan, learned Standing Counsel appearing on behalf of the respondent. With the consent of either side, the writ petition is taken up for final disposal.

2.The petitioner seeks for issuance of Writ of Mandamus directing the respondent to reinstate the petitioner in his service as a Salesman in the ''TASMAC'' Shop with continuity of service, Back wages, and all other attendant benefits.

3.The petitioner while working as a Salesman in the respondent Corporation / TASMAC, was alleged to have been involved in theft that took place on 22.04.2005. According to the respondent, four persons were involved in the theft. The petitioner claims that till date neither a show cause notice nor a charge memo was issued to him and that he was orally suspended. It is his further claim that no enquiry was

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conducted. In this connection he has also made an representation on 23.08.2013 requesting the respondent to reinstate him in service. Since his representation was not considered, the present Writ Petition has been filed.

4.The Learned Counsel for the respondent would submit that the Enquiry Officer had sent an enquiry notice calling upon the petitioner to appear before on 28.04.2015. In response to the same, the learned counsel for the petitioner also would submit that pursuant to the notice, the petitioner had appeared for enquiry and the said enquiry is still pending before the respondent. It is his further submission that the other three persons namely ; 1.M.Rangasamy (Supervisor), 2.Wasim Raj (Salesman), 3.Sundaram (Bar attender), who were also involved in the incident along with the petitioner, had deposited the entire sum of Rs.37,130/-(Rupees Thirty seven thousand and one thirty only) with the respondent, to show their bona fide and those three persons were already reinstated. Though the amount has been recovered, still the respondent has also chosen to continue with the enquiry against the petitioner, in connection with the incident, without reinstating him. Hence, the petitioner prays that taking into the fact that the respondent has chosen reinstate the other three persons involved in the incident, it would be appropriate that the respondent reinstate the petitioner also.

5.Accordingly, the petitioner is permitted to submit a fresh representation seeking for reinstatement and on receipt of such representation, the respondent shall consider the same within four weeks from the date of receipt of his representation and thereby reinstate the petitioner. There shall be a further direction to the respondent to expedite the enquiry against the petitioner and pass final orders within a period of eight weeks from the date of receipt of this order. It is made clear that the petitioner shall not be entitled to any back wages or other benefits till the conclusion of the enquiry and the reinstatement, will be subject to the outcome of the enquiry against the petitioner.

6.With the above observation, the writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KP

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To

The District Manager,
Tamilnadu State Marketing -
Corporation Ltd, (TASMAC),
Coimbatore Division, Coimbatore,
Tamilnadu.

+ 1 cc to Mr.P.R. Thiruneelakandan, Advocate Sr.66891

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