

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32347 of 2016

and

WMP.No.28077 of 2016

M.Selvakumar

...Petitioner

vs.

1. The Senior Regional Manager,
Chennai Region,
Tamil Nadu State Marketing Corporation
Limited (TASMAC) LLA Buildings,
Anna Salai, Chennai-600 002.
2. The Deputy Collector/District Manager,
Kancheepuram District (South),
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Kancheepuram.

....Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records in Na.Ka.No.13/09/R5 dated 04.10.2010 passed by the 2nd respondent and quash the same and consequently, directing the 2nd respondent to reinstate the petitioner based on his representation dated 08.01.2014.

For Petitioner : Mr.N.S.Kishore Kumar

For Respondent : Mr.B.Nedunchezian

ORDER

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

2. The petitioner has come up with the present writ petition challenging the proceedings in Na.Ka.No.13/09/R5 dated 04.10.2010 passed by the 2nd respondent and quash the same and consequently, directing the 2nd respondent to reinstate the petitioner based on his representation dated 08.01.2014.

3. The case of the petitioner is that the petitioner was appointed by the respondent Corporation as a Shop Supervisor w.e.f. 04.02.2004 on a monthly consolidated salary of Rs.3,000/-. While the petitioner was working in Shop No.4115, Kazhipattur Village, Kancheepuram District, the District Manager, Kancheepuram, based on the Audit Report, by an order dated 28.11.2009 issued by the District Manager, Kancheepuram, he was suspended from service. Challenging the same, the petitioner has filed W.P.No.17076/2010 before this Court and this Court by a common order dated 30.07.2010 directed the 2nd respondent herein to consider and pass orders on the reply given by the petitioner to the show cause notice and accordingly, an enquiry was conducted. Thereafter, the petitioner was dismissed from service by an order dated 04.10.2010 along with other sales men.

4. The further case of the petitioner is that the appeal preferred by one salesman, namely, G.Prakash was partly allowed by the Senior Regional Manager by his order dated 08.02.2011 ordering to collect the amount due from the appellant before issuing the reinstatement order. Subsequently, on 08.01.2014, the petitioner submitted that he has remitted a sum of Rs.2,32,500/- being the 1/4th share of the deficit amount to the Corporation and made a requisition to the 2nd respondent to reinstate him into service. But the same has not been considered. Hence the present Writ Petition.

5. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case, this Court is of the view that the factual aspects involved in this matter cannot be resolved by this Court. It is for the 2nd respondent to decide the matter on merits. Therefore, without going into the merits of the claim made by the petitioner, this Court directs the 2nd respondent to consider the requisition of the petitioner dated 08.01.2014 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order. It is made clear that this Court has not

expressed any opinion regarding the merits of the claim made by the petitioner.

7 6. With the above direction, the present writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

tsi

To

1. The Senior Regional Manager,
Chennai Region,
Tamil Nadu State Marketing Corporation
Limited (TASMAC) LLA Buildings,
Anna Salai, Chennai-600 002.
2. The Deputy Collector/District Manager,
Kancheepuram District (South),
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Kancheepuram.

1 CC to Mr.N.S.Kishore Kumar, Advocate, SR. 53054

W.P.No.32347 of 2016

RSK (CO)
PSI 06/10/2016

सत्यमेव जयते

WEB COPY