

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.34143 to 34145 of 2016

A.Kesavan ... Petitioner in
W.P.No.34143 of 2016

J.Kannan ... Petitioner in
W.P.No.34144 of 2016

T.Elangovan ... Petitioner in
W.P.No.34145 of 2016

Vs.

1 The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
Egmore, Chennai.

2. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Tiruvarur District.

... Respondents in all W.Ps.

Prayer in all W.Ps:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing to dispose the appeal petition dated 18.07.2016 pending on the file of the first respondent within the time fixed by this Court.

For Petitioners in all W.Ps.: Mr.T.Muruganantham

For Respondents in all W.Ps : Mr.B.Nedunchezhiyan
for TASMACH

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal. Since the issue involved in all these petitions are related to each other, they are disposed of by a common order.

2.The writ petitions have been filed seeking Mandamus directing the first respondent to dispose the appeal petition dated 18.07.2016.

3. The petitioners were working as temporary salesmen. While, they were working in Shop No.9645, Nagai Bye-Pass Road, Tiruvarur District, on 04.05.2015, the 2nd respondent conducted surprise inspection in the shop and found certain liquor bottles were opened and by that it was alleged that they have sold the liquors in retail against the procedure of the TASMAL Shop. Based on that a complaint was given by the 2nd respondent to the Inspector of Police, Prohibition Enforcement Wing, Nannilam, Tiruvarur District on 04.05.2015 and a case has been registered in Crime No.619 of 2015 against the petitioners for the offences under Section 24 A (1)(a), (II) of TNP Act and Section 279 and 420 of IPC and final report was filed and the same has been taken on file as C.C.No.88 of 2015 by the Judicial Magistrate, Nannilam. After trial, by a judgment dated 30.12.2015, the petitioners were acquitted by the District Munsif cum Judicial Magistrate, Nannilam. The 2nd respondent also initiated departmental proceedings against the petitioners and suspended them by an order dated 04.05.2015 and an enquiry has been conducted and based on the report of the enquiry officer, the 2nd respondent vide his proceedings Na.Ka.No.198/2015/A1 dated 18.01.2016 terminated the petitioners from service. Unless and until the criminal case is conclusively decided, the departmental enquiry shall not be proceeded. The enquiry officer and the 2nd respondent have not considered the outcome of the criminal case, which ended in acquittal and terminated the petitioners from service.

4.Challenging the same, the petitioners filed W.P.No.19579 of 2016 before this court and this Court by an order dated 10.06.2016 directed the petitioners to prefer an appeal before the first respondent. Accordingly, they filed Appeal petition dated 18.07.2016 before the first respondent and the first respondent has not taken any steps to dispose the appeal and the same is pending. Hence, the petitioners have come forward with the present Writ Petitions.

5. I have heard the learned counsel appearing for the petitioners and the learned counsel who take notice for the respondents.

6. Though very many contentions have been raised in the Writ Petitions, learned counsel for the petitioners submitted that if direction is given to the appellate authority, the first respondent to dispose the appeal, that would be sufficient.

7. In view of the same, without going into the merits of the claim of the petitioners, this court directs the first respondent to dispose the appeal within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the first respondent to dispose the appeal purely on merits and in accordance with law.

8. With the above direction, the present writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1 The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
Egmore, Chennai.
2. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Tiruvarur District.

+1cc to Mr.T.Muruganantham, Advocate Sr.56939

+3cc to Mr.B.Nedunchezhiyan, Advocate Sr.56802 to 56804

W.P.Nos.34143

to 34145 of 2016

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srg 24/11/2016

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