

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.34850 of 2016

V.Balasubramanian

... Petitioner

Vs.

- 1 The Managing Director,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Thalamuthu natarajan Maaligai,
4th Floor, C.M.D.A. Building,
Egmore, Chennai - 600 008.
2. The Senior Regional Manager,
Tamil Nadu State marketing
Corporation Ltd (TASMAC),
Trichy Region,
Ponnagar, Trichy.
3. The District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Perambalur, Perambalur District. Respondents

Prayer :

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose of the petitioner's statutory appeal dated 26.09.2011 which is pending on the file of the first respondent within the time fixed by this Court.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.B.Nedunchezhiyan
for TASMAC

O R D E R

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

2.The writ petition has been filed seeking Mandamus directing the first respondent to dispose of the statutory appeal dated 26.09.2011 within a fixed time.

3. The petitioner was appointed as a Salesman vide proceedings of the 3rd respondent in Rc.No.K1/35263/03 dated 28.11.2003. While, he was working at No.6424, Chettikulam, Perambalur District, on 08.12.2010, the petitioner and shop supervisor were placed under suspension for the charges that the MC brandy 375 ml priced Rs.135/- was sold for Rs.140/-, that is, sold for excess price of Rs.5/-, tampering of price list of black pearl brandy 180 ml, 2 number of black pearl brandy 180 ml was found without any batch number and the VSO brandy 180 ml batch No.077 dated 18.11.2010 was found in a damaged position.

4. Thereafter, the 3rd respondent issued show cause notice dated 05.02.2011 and called for an explanation and the petitioner also submitted his explanation, but the same was not considered by the 3rd respondent. Thereafter, enquiry was conducted and the enquiry officer submitted his report dated 11.05.2011 stating that all those charges leveled against him were found proved. Based on the same, the 3rd respondent vide proceedings in Na.Ka.No.928/C.V/2010/A1 dated 23.05.2011 dismissed the petitioner from service.

5. Aggrieved against the order of dismissal, the petitioner preferred appeal before the 2nd respondent on 30.05.2011 and the same was rejected through the proceedings of the 2nd respondent in Mu,Mu.No.2538/11(Voo) dated 25.08.2011 by confirming the order of the 3rd respondent. Challenging the same, the petitioner filed Second Appeal before the first respondent on 26.09.2011 and the same was pending without any progress for more than a period of 5 years. Hence, the petitioner has come forward with the present Writ Petition.

6. I have heard the learned counsel appearing for the petitioner and the learned counsel who take notice for the respondents.

7. Though very many contentions have been raised in the Writ Petition, learned counsel for the petitioner submitted that if direction is given to dispose of the appeal, which is

pending from 2011 on wards, it would be sufficient.

8. In view of the same, without going into the merits of the claim of the petitioner, this court directs the first respondent to dispose of the statutory appeal dated 26.09.2011 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 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.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp
To

- 1 The Managing Director,
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bm(CO)
md(4/11/2016)

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