

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36935 of 2016

R.Subburam

... Petitioner

Vs

- 1 The Managing Director  
Tamil Nadu State Marketing Corporation Ltd  
CMDA Tower II 4th Floor Gandhi- Irwin  
Bridge Road Egmore Chennai- 600 008.
- 2 The District Manager  
Tamil Nadu State Marketing Corporation Ltd  
NO.59A Chennai Trunk Road Ware House  
Corporation Complex Villupuram- 605 602..... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to give postings to the petitioner in Shop No.11587 at Murukkeri.

For Petitioner : Mr.S.Ilamvaludhi  
For Respondents : Mr.B.Nedunchezian,  
TASMAC

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 for a mandamus, directing the respondents to give postings to him in Shop No.11587 at Murukkeri.

3. It is the case of the petitioner that he joined service as Salesman in the Tamil Nadu State Marketing Corporation Limited on 5.1.2004. While so, he was placed under suspension by the proceedings of the second respondent on 3.5.2014. Challenging the same, the petitioner filed a writ petition before this Court in W.P.No.23496 of 2014 and this Court, by order dated 1.9.2014, directed the authorities to consider his representation. Pursuant to the said order, the petitioner was re-instated into service on 12.11.2014. While so, again he was placed under suspension by the second respondent by proceedings dated 16.4.2015 for the alleged misappropriation of funds. Challenging the same, the petitioner filed a writ petition before this Court in W.P.No.13161 of 2015 and this Court by order dated 29.4.2015 directed the authorities to complete the enquiry within six months. Thereafter, enquiry was conducted and the enquiry office submitted his report stating that the charge against the petitioner was proved, pursuant to which, the second respondent issued an order dated 23.9.2015, imposing punishment of fine of Rs.15,000/-. Challenging the same, the petitioner filed another writ petition before this Court in W.P.No.31583 of 2015 and this Court, by order dated 7.10.2015, granted interim stay of punishment of fine of Rs.15,000/-. As soon as the punishment order has been stayed, the petitioner approached the second respondent to reinstate him into service. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

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

5. At the time of making his submissions, learned counsel appearing for the petitioner submitted that though the writ petition has been filed seeking posting orders, it would suffice, if a direction is issued to the respondents to consider the claim of the petitioner.

6. In view of the said submission made by the learned counsel appearing for the petitioner, this Court directs the petitioner to give a detailed representation to the respondents along with a copy of this order, within a period of two weeks from the date receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the said representation seeking posting orders to the petitioner in Shop No.11587 at Murukkeri and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. It is made clear that this Court is not expressing any opinion with the regard to the claim projected by

the petitioner and it is for the respondents to consider his claim strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrarsbi

To

- 1 The Managing Director  
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- 2 The District Manager  
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vgi (CO)  
md(21/11/2016)

W.P.No. 36935 of 2016

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