

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1064 of 2014

M.Ethirajan

Appellant

Versus

1. The Park Town Co-op. Wholesale
Stores Ltd.,
rep. by President, Anna Nagar,
Chennai 600 102.
2. Joint Registrar of Coop. Societies
(PDS) 1, Chennai Zone,
Chennai 600 018.
3. The Additional Registrar of
Coop Societies, Chennai Zone,
Chennai 600 018.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 20.2.2014 passed in W.P.No.21286 of 2010 on the file of this court.

W.P.21286 of 2010:-

Writ Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified mandamus, Calling for the records relating to the order of dismissal Na.Ka.No.74/08-09/E5 dated 19.6.2009 of the 1st respondent as confirmed by the order Na.Ka.7983/2009/E2 dated 15.6.2010 of the 3rd respondent, quash both the orders and consequently direct the respondents to reinstate the petitioner in service with all attendant consequential benefits.

For appellant	: Mr.S.Venkataraman
For R1	: Mr.P.Anbarasan
For R2 & R3	: Mr.L.P.Shanmugasundaram

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed challenging the order passed by the learned Single Judge dismissing the writ petition and thereby declining to interfere with the impugned orders imposing the punishment of dismissal from service.

3. It is a case of admitted misappropriation in distribution of commodities to ration card holders to the extent of Rs.20,623/-. Having admitted the guilt and paid the amount already, the appellant pleaded for mercy. However, the mercy petition has been rejected and he had been dismissed from service. The revision filed by him was also rejected and hence he filed the writ petition. The petitioner is said to be almost 54 years old.

4. In view of the admitted fact that the appellant had already admitted his guilt, paid the amount misappropriated and pleaded mercy, we are of the view that the punishment of dismissal from service is disproportionate, but, considering the misconduct, he cannot be left to go scot-free and hence, while setting aside the order passed by the learned Single Judge and the orders impugned in the writ petition, we direct that the appellant would be reinstated in service, however, with stoppage of two increments with cumulative effect, without any backwages for the period from the date of his dismissal till his reinstatement and without continuity of service. The writ appeal is allowed in part to the extent indicated above. The appellant would be reinstated in service within a period of three months from the date of receipt of a copy of this judgment. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

ssk.

To:

1. The Park Town Co-op. Wholesale Stores Ltd.,
rep. by President, Anna Nagar,
Chennai 600 102.
2. Joint Registrar of Coop. Societies
(PDS) 1, Chennai Zone,
Chennai 600 018.
3. The Additional Registrar of
Coop Societies, Chennai Zone,
Chennai 600 018.

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 89710

+1 cc to Mr.S.Venkataraman, Advocate SR.NO. 89529

+1 cc to Mr.P.Anbarajan, Advocate SR.NO. 89503

W.A.No.1064 of 2014

PA (CO)
JK 29/01/18



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