

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.12.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.31266 of 2017 and
WMP.Nos.34344 and 34345/2017

K.Murugan

... Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Marketing Corporation
(TASMAC), Chennai-8.

2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation
(TASMAC), Salem-16.

3. The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation
(TASMAC), Dharmapuri.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the proceedings of orders (i) dated 19.03.2015 bearing Na.Ka.No.32/2013/C.V.2 passed by the 3rd respondent and (ii) Se.Mu.No.2857/2015/A dated 10.07.2015 passed by the 2nd respondent, quash the same, directing the respondents to reinstate the petitioner in service with effect from the date of dismissal viz. 13.11.2013 with continuity of service, back wages and other attendant benefits till the petitioner is reinstated in service.

For Petitioner : Mr.V.Sakkarapani
For Respondents : ...

ORDER

Challenging the proceedings dated 19.03.2015 bearing Na.Ka.No.32/2013/C.V.2 passed by the 3rd respondent, namely, The District Manager/Deputy Collector, Tamil Nadu State Marketing Corporation (TASMAC), Dharmapuri, thereby dismissing the petitioner from service, which was confirmed by the 2nd respondent, namely, The Senior Regional Manager, Tamil Nadu State Marketing Corporation (TASMAC), Salem-16, on appeal, by order dated 10.07.2015 and seeking further consequential direction, the petitioner has come up before this Court with this Writ Petition.

2. The case of the petitioner is that he was appointed as a Sales Man on 28.11.2003 in TASMAC Retail Vending Shop in Shop No.2820 in Danishpettai in Dharmapuri District on a consolidated pay of Rs.1,000/- p.m. and finally, he worked in the Shop No.2825 in Nallampalli in Dharmapuri District. While so, on 12.04.2013, when the petitioner was working in the Shop No.2825, a Special Flying Squad of Salem Region inspected the said shop and found that the petitioner was selling old Admiral Select VSOP Brandy 180 ml. Liquor in small quantities and the Senior Regional Manager seized the alleged bottles. Thereafter, on 13.11.2013, the 3rd respondent herein issued the order of suspension suspending the petitioner for the above irregularities and the 3rd respondent issued the Charge Memo on 19.12.2013 and the petitioner submitted his explanation for the same within 7 days.

Thereafter, on 18.09.2014, the Assistant Director, Vellore was appointed as an Enquiry Officer and the petitioner appeared before him on 23.09.2014 on summons who gave a report stating that charges were proved. But, according to the petitioner, the 3rd respondent without considering the material facts terminated the petitioner from service w.e.f. 13.11.2013 vide his order dated 19.03.2015 and on appeal, the same was confirmed vide order dated 10.07.2015 by the 2nd respondent. Hence the present Writ Petition.

3. On the face of the records, it appears that due to the irregularity committed by the petitioner, he was terminated from service w.e.f. 13.11.2013 and thereafter, after conducting an enquiry, he was dismissed from service by the 3rd respondent by order dated 19.03.2015 and the same was also confirmed in the appeal preferred by the petitioner before the Appellate Authority, namely, the 2nd respondent on 10.07.2015. But the petitioner simply kept quiet for more than two years and after a lapse of two years, the petitioner has approached this Court by way of filing the present Writ Petition and the learned Counsel for the petitioner is not able to give any acceptable reason for the said delay. Hence, the Writ Petition is liable to be dismissed on the sole ground of laches.

T.RAJA, J.
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4. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.12.2017

Index:Yes/No
Internet:Yes/No
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