

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44174/2016

S.Prabakaran

..Petitioner

Vs

1.The Senior Regional Manager
Tamil Nadu State Marketing Corporation Ltd
2/92, Santhiyur Village
S.Aatayampatti Post, Salem 636 203.

2.The District Manager/Deputy Collector
Tamil Nadu State Marketing Corporation Ltd.,
2/92. Santhiyur Village, S.Aatayampatti Post
Salem 636 203.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to pass orders on the representation dated 04.04.2016 seeking reinstatement and all other consequential service benefits pursuant to the dropping of the charges as not proved made in Se.Mu.Na.Ka.No.772/2012/A3/C.V dated 25.02.2014.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.B.Nedunchezhiyan

ORDER

By consent, the writ petition is taken up for final disposal. Mr.B.Nedunchezhiyan, learned Standing Counsel accepts notice on behalf of the respondents.

2 The petitioner was working as Superintendent in the services of the Tamil Nadu State Marketing Corporation Limited [TASMAC] in Shop No.7261, Ilampillai Village, Salem, till 09.03.2005 and thereafter, he was transferred to Shop No.71722 on 10.03.2005. Based on the report submitted by the Internal Audit Department, he was dismissed from service on 26.04.2005. The petitioner, challenging the order of dismissal from service, filed an appeal before the 1st respondent and it was remanded to the Disciplinary Authority to pass fresh final orders.

Thereafter, an Enquiry Officer came to be appointed and after conducting a full-fledged enquiry, has submitted a report holding that three charges framed against the petitioner, have not been proved. The grievance now expressed by the petitioner is that the Enquiry Report was taken cognizance by the 2nd respondent and he has been exonerated in the Departmental Proceedings and the period of dismissal from service can be taken as one without salary and the Subsistence Allowance.

3 The learned counsel for the petitioner would submit that though an order has been passed by the 1st respondent dated 25.02.2014 imposing punishment, the petitioner is not referring to or aggrieved over the same ; but the fact remains that he is yet to be reinstated into service. In this regard, the petitioner has submitted a representation dated 04.04.2016 to the 1st respondent and despite the receipt and acknowledgment, no orders have been passed and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4 The learned Standing counsel appearing for the respondents, on instructions, would submit that appropriate orders would be passed by the 1st respondent, at an early date.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representation dated 04.04.2016 on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner..

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/ सत्यमेव जयते

Sub Asst. Registrar

AP

To

1.The Senior Regional Manager
Tamil Nadu State Marketing Corporation Ltd
2/92, Santhiyur Village
S.Aatayampatti Post, Salem 636 203.

WEB COPY

2.The District Manager/Deputy Collector
Tamil Nadu State Marketing Corporation Ltd.,
2/92. Santhiyur Village, S.Aatayampatti Post
Salem 636 203.

+1cc to Mr.B.Nedunchezhiyan, Advocate, Sr.No.105/17.

+1cc to Mr.L.Chandrakumar, Advocate, Sr.No.84/17.

W.P.No.44174/2016

SV(CO)
GN(23/01/2017)



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