



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2017

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THE HONOURABLE MR.JUSTICE T.RAJAW.P.(MD)No.17035 of 2017andW.M.P.(MD)No.13606 of 2017

M.Pudumairaj : Petitioner

Vs.

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

2.The Senior Regional Manager,
(TASMAC), Tamil Nadu State Marketing Corporation Ltd.,
Trichy.

3.The District Manager,
(TASMAC), Tamil Nadu State Marketing Corporation Ltd.,
Pudukottai District. : Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records and quash the impugned order issued by the first respondent in his proceedings Na.Ka.No.R1/16034/2016 dated 08.02.2017 on the ground that the same is arbitrary, illegal and consequently direct the first respondent to entertain the petitioner's revision petition dated 24.08.2015 and 11.08.2016 and decide the same on merits in accordance with law.

For Petitioner

: Mr.S.Vinayak

For Respondents

: Mr.B.Jameel Arasu

Standing Counsel for TASMAC

O R D E R

By consent of both parties, the writ petition itself is taken up for final disposal.

2.The learned counsel for the petitioner would submit that the petitioner was appointed as Salesman in the Respondent TASMAC Shop during the year 2003. While the petitioner was serving as Salesman in the respondent TASMAC shop No.6506 at Aranthangi, Pudukottai District, the third respondent without conducting enquiry dismissed the petitioner from service vide order dated 11.11.2014, on a false allegation that he mixed water in the



liquor. Aggrieved by the order of dismissal, the petitioner filed an appeal before the second respondent on 15.12.2014. But, without application of mind the second respondent simply dismissed the appeal vide proceedings in Na.Ka.No.5461/51(Vu) dated 27.07.2015.

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3. Aggrieved by the proceedings of the second respondent, the petitioner preferred a Revision before the first respondent on 24.08.2015. The petitioner has also sent a reminder on 11.08.2016 to the first respondent to dispose of his Revision. Finding no response, the petitioner has approached this Court with W.P.(MD) No.12858 of 2017, seeking appropriate direction to dispose of the petitioner's Revision. This Court vide order dated 12.07.2017, directed the first respondent to dispose of the Revision / Appeal within a period of six weeks. Finally, the impugned order has been passed as if the petitioner has not filed his revision within one month. Although, the petitioner filed the Revision on 24.08.2015 ie., within 30 days from the date of the order dated 27.07.2015, the first respondent simply rejected the same on the ground of delay. Therefore, the learned counsel for the petitioner submitted that the impugned order is liable to be set aside as no enquiry was conducted and pleaded for a direction to the respondents to re-consider the Revision filed by the petitioner.

4. The learned counsel for the respondents would submit that the first respondent has already passed an order, dismissing the petitioner's revision as against the proceedings of the second respondent dated 27.07.2015, on the ground of delay. However, if the petitioner files a fresh revision petition, the same would be considered without going into the delay aspect.

5. Recording the statement made by the learned counsel for the respondents and also finding that neither the order passed by the first respondent dated 08.02.2017 nor the order passed by the second respondent dated 08.08.2017, threw light on the main allegation made by the petitioner that no proper enquiry was conducted, this Court in the interest of justice, direct the first respondent to consider the fresh revision petition that would be filed by the petitioner within one week, from the date of receipt of this order as expeditiously as possible preferably within a period of three months from the date of receipt of the revision that would be filed by the petitioner.



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6.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

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

2.The Senior Regional Manager,
(TASMAC), Tamil Nadu State Marketing Corporation Ltd.,
Trichy.

3.The District Manager,
(TASMAC), Tamil Nadu State Marketing Corporation Ltd.,
Pudukottai District.

+One cc to Mr.S.Vinayak, Advocate, SR.No.77811

+One cc to Mr.B.Jameel Arasu, Advocate, SR.No.77783

MR/MRN
RL/6C/3P/KP/SAR1/11/10/2017

W.P.(MD)No.17035 of 2017
08/09/2017