



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.84 of 2017
and
W.M.P (MD) No.59 of 2017

Murugesan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
4th Floor,CMDA Tower-II,
Egmore, Chennai - 600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
Tiruchirappalli.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
Pudukkottai.

.. Respondents

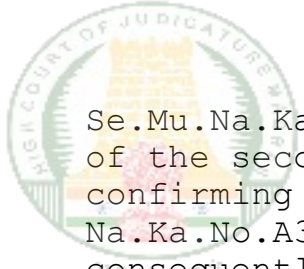
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order passed by the first respondent in Se.Mu.Na.Ka.No.R2/5269/2016, dated 27.10.2016, confirming the order of the second respondent in Na.Ka.No.5416/14 (Oo), dated 11.5.2015 confirming the order of the third respondent in Na.Ka.No.A3/1765/2013, dated 11.11.2014 and to quash the same and consequently to direct the respondents to reinstate the Petitioner in the post of Sales man of Tamil Nadu State Marketing Corporation Limited with all attendant benefits.

For Petitioner : M/s.D.Ramesh Kumar

For Respondents : Mr.M.Muniasamy
Standing Counsel

O R D E R

This writ petition has been filed, seeking for issuance of a writ of certiorarified Mandamus calling for the records in pursuant to the impugned order passed by the first respondent in



Se.Mu.Na.Ka.No.R2/5269/2016, dated 27.10.2016, confirming the order of the second respondent in Na.Ka.No.5416/14(Oo), dated 11.5.2015 confirming the order of the third respondent in Na.Ka.No.A3/1765/2013, dated 11.11.2014 and to quash the same and consequently to direct the respondents to reinstate the Petitioner in the post of Sales man of Tamil Nadu State Marketing Corporation Limited with all attendant benefits.

2.Mr.M.Muniasamy, learned Standing Counsel takes notice for the respondents/TASMAC. By consent of both parties, the main Writ Petition is taken up for final disposal.

3.The Petitioner was appointed as a Sales person employed in the TASMAC and he has been dismissed from service for his misconduct alleged to have been committed by him. It is represented by the Petitioner that he has not committed any misconduct, much less one mentioned in the impugned orders and that for the mistake committed by the Bar Owners, he cannot be found fault with. He submitted that he has no role to supervise the act of the Bar Owner and that he is an employee of TASMAC.

4.According to the respondents, the Petitioner has colluded with the bar owner and caused not only loss but also brought disrepute to the organization.

5.Admittedly, a detailed enquiry has been conducted and punishment has also been imposed. The Petitioner has filed an appeal and was unsuccessful. Admittedly, the Petitioner is a workman under Section 2(S) of the Industrial Disputes Act and that the respondents/TASMAC is an employer under Section 2(j) of the Industrial Disputes Act. Whether there is sufficient evidence or not, or the punishment of dismissal imposed on the Petitioner has to be interfered with, all are to be decided by the concerned Industrial Forum. If the Petitioner raises any industrial dispute, it is for the said forum to consider the same on its own merits. On the ground that the Petitioner has got not only an alternative remedy but also due to the fact that this Court cannot go into the evidence aspect and cannot re-appreciate the evidence let in before the authorities concerned, this Court is not inclined to grant the relief sought for in this Writ Petition and thus the Writ Petition fails.

6.Accordingly, the Writ Petition stands dismissed. However, passing of this order will not preclude the Petitioner from raising industrial dispute within the time stipulated under the Industrial Disputes Act. Consequently connected Miscellaneous Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)



To:

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Vsn

MAS/SS2-KSM:23.01.2017: 3P/4C

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