

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-02-2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.23353,23554,27279,33138,37552,37837,37909,38214,
39181,39182,39833 to 39835,40379 & 40380 of 2015,451,674, 1064,
1065,1522,1927,1946,3004,7331,8047,10899,12155,26568,38869&
44052 of 2016,919,5421,5422,8945,17959,24193 & 24257 of 2017

And

MP Nos.2,1, 1, 1,1&1 of 2015, WMP
Nos.293,494,1293,1701,2475,6517,10508, 10509&37859 of
2016,903,904&9860 of 2017

K.SIVAKUMAR ... PETITIONER in WP No.23353 of 2015
A.VIJAYAKUMAR ... PETITIONER in WP No.23554 of 2015
S.SENTHILKUMAR ... PETITIONER in WP No.33138 of 2015
K. KUMAR ... PETITIONER in WP No.27279 of 2015
S.SURESH ... PETITIONER in WP No.37552 of 2015
V.MUNINAGAM ... PETITIONER in WP No.37837 of 2015
K.M.SADHEESH ... PETITIONER in WP No.37909 of 2015
G.CHELLAMUTHU ... PETITIONER in WP No.38214 of 2015
V.MUTHUSAMY ... PETITIONER in WP No.39181 of 2015
G.MUNUSAMY ... PETITIONER in WP No.39182 of 2015
G.VENGATAVEL ... PETITIONER in WP No.39833 of 2015
G.SANKAR ... PETITIONER in WP No.39834 of 2015
K.MAHENDRAN ... PETITIONER in WP No.39835 of 2015
M.SARAVANAN ... PETITIONER in WP No.40379 of 2015
K.SELVARAJ ... PETITIONER in WP No.40380 of 2015
M.SAKTHIVEL ... PETITIONER in WP No.451 of 2016
M.PALANI ... PETITIONER in WP No.674 of 2016
S.SHANTHAMOORTHY ... PETITIONER in WP No.1064 of 2016

E.JAYAKUMAR ... PETITIONER in WP No.1065 of 2016
S.EZHUMALAI ... PETITIONER in WP No.1522 of 2016
G.PERUMAL ... PETITIONER in WP No.1927 of 2016
R.ACHUTHAN ... PETITIONER IN WP.NO.1946 OF 2016
S.SIVALINGAM ... PETITIONER in WP No.3004 of 2016
M.MURUGAN ... PETITIONER in WP No.7331 of 2016
A.NAVANEETHAN ... PETITIONER in WP No.8047 of 2016
D.MAHESH ... PETITIONER in WP No.10899 of 2016
JEEVA ... PETITIONER in WP No.12155 of 2016
N.VADIVEL ... PETITIONER in WP No.26568 of 2016
R.BALAJI ... PETITIONER in WP No.38869 of 2016
V.VIJAYAN ... PETITIONER in WP No.44052 of 2016
R.JAGAN ... PETITIONER in WP No.919 of 2017
V.SARAVANAN ... PETITIONER in WP No.5421 of 2017
M.ARUL ... PETITIONER in WP No.5422 of 2017
V.ELUMALAI ... PETITIONER in WP No.8945 of 2017
S.KUMAR ... PETITIONER in WP No.17959 of 2017
D.SRINIVASAN ... PETITIONER in WP No.24193 of 2017
B.VIVEK ... PETITIONER in WP No.24257 of 2017

-VS-

- 1 THE SENIOR REGIONAL MANAGER . RESPONDENTS in WP No.23353/15
TAMIL NADU STATE MARKETING CORPORATION Ltd.,
(TASMAC) 56 BHIRUNTHAVANAM SALAI
AZHAGAPURAM SALEM-16.
- 2 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION Ltd.,
(TASMAC) 62/70 ANNA SALAI TAMIL NADU
GODOWN COMPLEX THIRUVANNAMALAI

- 1 THE DISTRICT MANAGER ... RESPONDENT in WP No.23554 of 2015
TAMILNADU STATE MARKETING-CORPORATION LTD.
(TASMAC) COIMBATORE DIVISION COIMBATORE
TAMILNADU.
- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAC) EGMORE CHENNAI-8.
- 2 THE SENIOR REGIONAL MANAGER
TASMAC REGIONAL OFFICE SALEM-636 016.
- 3 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAC) THIRUVANNAMALAI
... RESPONDENTS in WP No.33138 of 2015
- THE DISTRICT MANAGER ... RESPONDENT in WP No.27279 of 2015
TAMILNADU STATE MARKETING -CORPORATION LTD.
(TASMAC) NILAGIRI DIVISION NILAGIRI
DISTRICT TAMIL NADU.
- 1 THE MANAGING DIRECTOR ... RESPONDENT in WP No.37552 of 2015
TASMAC LIMITED CMDA TOWER II IV FLOOR
GANDHI IRWIN BRIDGE ROAD EGMORE-600 008
- 2 THE SENIOR REGIONAL MANAGER
TASMAC LIMITED 141 & 142 M.S.R.COMPLEX
DAYALAN STREET GOUNDAM PALAYAM
COIMBATORE-30
- 3 THE DISTRICT MANAGER
COIMBATORE SOUTH DISTRICT IMFS DEPOT
TASMAC LTD. SURIYAMPALAYAM VASAVI
COLLEGE (POST) ERODE-638 316
- 1 THE DISTRICT MANAGER ... RESPONDENT in WP No.37837 of 2015
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC) NO.59-A WARE HOUSING CORPORATION
CHENNAI TRUNK ROAD VILLUPURAM-605602.
- 1 THE SENIOR REGIONAL MANAGER
TASMAC LIMITED 141 & 142
M.S.R. COMPLEX
DAYALAN STREET GOUNDAM
PALAYAM COIMBATORE-30.

2 THE DISTRICT MANAGER
ERODE DISTRICT IMFS DEPOT TASMAL LTD.
SURIYAMPALAYAM VASAVI COLLEGE (POST)
ERODE- 638316.

. RESPONDENT in WP No.37909 of 2015

1 THE DISTRICT MANAGER
NAMAKKAL DISTRICT TAMIL NADU STATE
MARKETING CORPORATION LTD NAMAKKAL.

2 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAL LTD) 56 BRINDAVAN ROAD FAIRLANDS
SALEM-16.

3 THE MANAGING DIRECTOR
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAL LTD) THALAMUTHU NATARAJAN MALIGAI
EGMORE CHENNAI-600 008.

... RESPONDENTS in WP No.38214 of 2015

1 THE DISTRICT MANAGER
SALEM DISTRICT TASMAL TAMIL NADU STATE
MARKETING CORPORATION LTD
SANTHIYUR SALEM- 636 203
SALEM DISTRICT

2 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAL LTD) 56 BRINDAVAN ROAD FAIRLANDS
SALEM-16.

3 THE MANAGING DIRECTOR
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAL LTD) THALAMUTHU NATARAJAN MALIGAI
EGMORE CHENNAI-600 008.

... RESPONDENT in WP No.39181 of 2015 & 39182/2015

1 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING
CORPORATION LTD.
(TASMAL) SALEM REGION
NO.56 BRINDHAVAN ROAD
FAIRLANDS SALEM 16

2 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAL) TANCOF COMPLEX NO. 52 ANNA SALAI
THIRUVANNAMALAI

... RESPONDENTS in WP No.39833/15 TO 39835/15

- 1 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAC) TANCOP COMPLEX NO.52 ANNA SALAI
THIRUVANNAMALAI
... RESPONDENT in WP No.40379 of 2015 AND
W.P.NO. 40380 OF 2015
- 1 THE SENIOR REGIONAL MANAGER
TASMAC LIMITED 141 & 142
MSR COMPLEX, DAYALAN STREET
GOUNDAM PALAYAM COIMBATORE-30.
- 2 THE DISTRICT MANAGER
COIMBATORE SOUTH DISTRICT IMFS DEPOT
TASMAC LTD SURIYAMPALAYAM VASAVI COLLEGE
POST ERODE-638 316.
.. RESPONDENT in WP No.451 of 2016
- 1 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC) TIRUPPUR DISTRICT.
... RESPONDENT in WP No.674 of 2016
- 1 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAC) SALEM REGION 56 BRINDHAVAN ROAD
FAIRLANDS SALEM-16
- 2 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAC) TANCOP COMPLEX NO.52 ANNA SALAI
THIRUVANNAMALAI
.. RESPONDENTS IN WP NO.1064 OF 2016,
W.P.NO. 10650 OF 2016, W.P.NO. 1522 OF 2016,
W.P.NO. 1946 OF 2016
- 1 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING
CORPORATION LTD.
(TASMAC) SALEM REGION
NO.56 BRINDHAVAN
ROAD FAIRLANDS SALEM-16
- 2 THE DISTRICT MANAGER
AROKKONAM DISTRICT TAMIL NADU STATE
MARKETING CORPORATION LTD. (TASMAC) SIPCOT
RANIPET VAALAJA TALUK VELLORE DISTRICT.
.. RESPONDENTS in WP No.1927 of 2016

- 1 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC) SALEM REGION NO.56 BRINDHAVAN
ROAD FAIRLANDS SALEM-16.
- 2 THE DISTRICT MANAGER
AROKKONAM DISTRICT TAMIL NADU STATE
MARKETING CORPORATION LTD. (TASMAC) SIPCOT
RANIPET VAALAJA TALUK VELLORE DISTRICT.

.. RESPONDENT in WP No.3004 of 2016

- 1 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC) SALEM REGION NO.56 BRINDHAVAN
ROAD FAIRLANDS SALEM-16.
- 2 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC) TANCOF COMPLEX NO.52 ANNA SALAI
THIRUVANNAMALAI. .. RESPONDENTS in WP No.7331 of 2016
- 1 THE DISTRICT MANAGER - KOVAI
DIVISION TAMILNADU STATE MARKETING -
CORPORATION LTD (TASMAC)
COIMBATORE TAMIL NADU
.. RESPONDENT in WP No.8047 of 2016
- 1 THE DISTRICT MANAGER ... RESPONDENT in WP No.10899 of 2016
TAMILNADU STATE MARKETING
CORPORATION LTD.
(TASMAC) COIMBATORE TAMIL NADU.
- 2 THE SENIOR REGIONAL MANAGER
TAMILNADU STATE MARKETING CORPORATION LTD.
(TASMAC) COIMBATORE TAMIL NADU.
- 1 THE DISTRICT MANAGER (NORTH)
TAMIL NADU STATE MARKETING
CORPORATION LTD.
(TASMAC) COIMBATORE DIVISION
COIMBATORE. .. RESPONDENT in WP No.12155/16
- 1 THE MANAGING DIRECTOR ... RESPONDENT in WP No.26568 of 2016
TAMILNADU STATE MARKETING CORPORATION LTD.
4TH FLOOR CMDA TOWER II EGMORE CHENNAI-8
- 2 THE SENIOR REGIONAL MANAGER
TAMILNADU STATE MARKETING CORPORATION LTD.
56 BRINDAVANAN ROAD ALAGAPURAM
SALEM 636 016

- 3 THE DISTRICT MANAGER
IMFS DEPOT TASMAL LTD. TANCOF COMPLEX 52
ANNA SALAI TIRUVANNAMALAI
- 1 THE DISTRICT MANAGER ... RESPONDENT in WP No.38869 of 2016
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAL) ARAKKONAM VELLORE DISTRICT
- 2 THE SENIOR DIVISIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAL) SALEM DIVISION SALEM
- 3 THE MANAGING DIRECTOR
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAL) HEAD OFFICE 4TH FLOOR CMDA TOWER
II EGMORE CHENNAI
- 1 THE MANAGING DIRECTOR ... RESPONDENTS in WP No.44052 of 2016
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAL) THALAMUTHU NATARAJAN MAALIGAM 4TH
FLOOR CMDA BUILDING EGMORE
CHENNAI-600008
- 2 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAL) SALEM SALEM DISTRICT
- 3 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAL) ARAKKONAM VELLORE DISTRICT.
- 1 THE MANAGING DIRECTOR ... RESPONDENTS in WP No.919 of 2017
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAL) THALAMUTHU NATARAJAN MAALIGAI 4TH
FLOOR C.M.D.A. BUILDING EGMORE CHENNAI 8
- 2 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAL) SALEM SALEM DISTRICT
- 3 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAL) VELLORE DISTRICT 632 001
- 1 THE DISTRICT MANAGER/ ... RESPONDENTS in WP No.5421 of 2017
DEPUTY COLLECTOR SALEM
DISTRICT TASMAL
TAMILNADU MARKETING CORPORATION LTD
SANTHIYUR SALEM SALEM DISTRICT.

- 2 THE SENIOR REGIONAL MANAGER
TAMILNADU MARKETING CORPORATION LTD (TASMAC
LTD) 56 BRINDAVAN ROAD FAIRLANDS SALEM-
16.
- 3 THE MANAGING DIRECTOR
TAMILNADU MARKETING CORPORATION LTD (TASMAC
LTD) THALAMUTHU NATARAJAN MALIGAI EGMORE
CHENNAI- 600 008.
- 1 THE DISTRICT MANAGER/ ... RESPONDENTS in WP No.5422 of 2017
DEPUTY COLLECTOR SALEM DISTRICT TASMAC
TAMILNADU MARKETING CORPORATION LTD
SANTHIYUR SALEM SALEM DISTRICT.
- 2 THE SENIOR REGIONAL MANAGER
TAMILNADU MARKETING CORPORATION LTD (TASMAC
LTD) 56 BRINDAVAN ROAD
FAIRLANDS SALEM- 16.
- 3 THE MANAGING DIRECTOR
TAMILNADU MARKETING CORPORATION LTD (TASMAC
LTD) THALAMUTHU NATARAJAN MALIGAI EGMORE
CHENNAI- 600 008.
- 1 THE MANAGING DIRECTOR ... RESPONDENTS in WP No.8945 of 2017
TAMIL NADU STATE MARKETING CORPORATION LTD
4TH FLOOR CMDA TOWER II EGMORE CHENNAI-8.
- 2 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
56 BRINDAVANAM ROAD ALAGAPURAM
SALEM-636 016
- 3 THE DISTRICT MANAGER
IMFS DEPOT TASMAC LTD TANCOF COMPLEX 52
ANNA SALAI TIRUVANNAMALAI
- 1 THE DISTRICT MANAGER ... RESPONDENTS in WP No.17959 of 2017
VELLORE DISTRICT TAMILNADU STATE MARKETING
CORPORATION LTD. (TASMAC) IMFS DEPOT NO.1
TAMILNADU WAREHOUSING CORPORATION LTD.
KATPADI ROAD VELLORE
- 1 THE DISTRICT MANAGER ... RESPONDENTS in WP No.24193 of 2017
TAMILNADU STATE MARKETING CORPORATION LTD
(TASMAC) COIMBATORE DIVISION DAYALAN STREET
GOUNDAMPALAYAM COIMBATORE

2 THE SENIOR REGIONAL
MANAGER TAMILNADU STATE MARKETING
CORPORATION LTD (TASMAC) COIMBATORE
DIVISION COIMBATORE TAMILNADU

1 THE DISTRICT MANAGER ... RESPONDENT in WP No.24257 of 2017
TAMILNADU STATE MARKETING CORPORATION LTD.
(TASMAC) NILGIRIS DISTRICT TAMILNADU

WP 23353 of 2015 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the order of the second respondent bearing proceedings in Na.Ka.R.V.2/2124/2012 dated 17.4.2015 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service.

WP No.23554 of 2015:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Certiorarified Mandamus Calling for the records of the respondent relating to the impugned order 331151/04/A5 dated 19.10.2004 and quash the same as the prolonged suspension of the petitioner is illegal consequently direct the respondents to reinstate the petitioner in his service as a Salesman in the TASMAC Shop with continuity of service back wages and with all attendant benefits.

WP No.33138 of 2015:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus Calling for the records of the 3rd respondent passed in his proceedings Na.Ka. RV2/ 1920/2013 dated 1.2.2014 as confirmed by the order of the 2nd respondent in Se.Mu. No.4640/ 2014/A dated 6.4.2015 as confirmed by the order of the 1st respondent in his proceedings Se.Mu. Na.Ka. No.R1/ 11557/2015 dated 23.7.2015 and to quash the same and directing the respondents to reinstate the petitioner in service with continuity of service, back wages and other attendant benefits within a time limit as fixed by this Honourable Court

WP No.27279 of 2015:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus Calling for the records of the respondent in relating to the impugned order Na.Ka. C. No.00179/2014, dated 22.1.2015, and quash the same, consequently direct the respondent to reinstate the petitioner in his service

as a Salesman in the TASMAC shop with continuity of service, Back Wages, and all other attendant benefits.

WP No.37552 of 2015:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Certiorarified mandamus Calling for the records of order of the 2nd Respondent bearing proceedings in Na.Ka.No. 2224/2012/R1 dated 08.06.2012, which conform the order of the 3rd respondent in Na.Ka.No.588/2011/R5, dated 24.05.2011 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service

WP No.37837 of 2015:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus Calling for the records of order of the Respondent bearing proceedings in Na.Ka.No. R.09/08/(645)2015 dated 01.04.2015 and quash the same and consequently direct the respondent herein to reinstate the petitioner into service

WP No.37909 of 2015:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Certiorarified mandamus Calling for the records of order of the 2nd Respondent bearing proceedings in Na.Ka.No. 1499/2012/R1 dated 09.05.2013 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service

WP No.38214 of 2015:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus Calling for the records of the impugned orders passed by the 2nd respondent in Se.Mu.No.3705/ 2015/Aa dated 12.9.2015 in confirming the order passed in Se.Mu.Na.Ka. No.2227/ P1/CV/2014 dated 1.4.2015 by the 1st respondent and quash the same consequently direct the respondents to reinstate the petitioner as Salesman with continuity of service with all other attendant benefits

WP No.39181 of 2015:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus Calling for the records of impugned orders passed by the 2nd respondent in Se.Mu. No.3011/ 2015/Aa dated 25.8.2015 in confirming the order passed in Na.Ka. No.1255/ 2013/ A3/CV dated 6.4.2015 by the 1st respondent and quash the same, consequently direct the respondents to reinstate the petitioner as Bar Attendant with continuity of service and all other attendant service benefits

WP No.39182 of 2015:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus Calling for the records of impugned orders passed by the 2nd respondent in Se.Mu. No.3272/ 2015/Aa dated 25.8.2015 in confirming the order passed in Na.Ka. No.1255/ 2013/ A3/CV dated 6.4.2015 by the 1st respondent and quash the same, consequently direct the respondents to reinstate the petitioner as Bar Attendant with continuity of service and all other attendant service benefits

WP No.39833 of 2015

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus Calling for the records of order of the 2nd respondent bearing proceedings in Na. Ka. R.V.2/1920/2014 dt 8.4.2015, which was confirmed by the 1st respondent in Se. Mu. No.3543/2015/A dt 23.9.2015 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service, with continuity of service and all attended benefits

WP No.39834 of 2015

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus calling for the records of order of the 2nd respondent bearing proceedings in Na. Ka. R.V.2/1920/2014 dt 8.4.2015, which was confirmed by the 1st respondent in Se. Mu. No.3713/2015/A dt 23.9.2015 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service, with continuity of service and all attended benefits.

WP No.39835 of 2015:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus calling for the records of order of the 2nd respondent bearing proceedings in Na. Ka. R.V.2/1920/2014 dt 8.4.2015, which was confirmed by the 1st respondent in Se. Mu. No.3542/2015/A dt 23.9.2015 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service, with continuity of service and all attended benefits

WP No.40379 of 2015 and W.P.No. 40380 of 2015:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus Calling for the records of order of the respondent bearing proceedings in Na.Ka. R.V.2/ 1920/2014 dated 17.4.2015 and quash the same and consequently direct the respondent herein to reinstate the petitioner into service with continuity of service and all attended benefits.

WP No.451 of 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Certiorarified Mandamus Calling for the records of order of the 2nd respondent bearing proceedings in Na.Ka. No.1865/ 2011/R5 dated 6.6.2014 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service with continuity of service and all attendant benefits

WP No.674 of 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Certiorarified Mandamus Calling for the records of the respondent in relating to the impugned order Na.Ka.No. 93/2012/A dated 28.05.2013 and quash the same as illegal, consequently direct the respondent to reinstate the petitioner in his service as a Salesman in the TASMACH Shop with continuity of service, Back wages and all other attendant benefits

WP No.1064 of 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Certiorarified Mandamus Calling for the records of order of the 2nd Respondent bearing proceedings in Na.Ka.R.V.2/1920/2014, dated 17.04.2015, which is confirmed by 1st respondent in Se.Mu.No. 3951/2015/A dated 25.09.2015 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service with continuity of service and all attendant benefits

WP No.1065 of 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Certiorarified Mandamus Calling for the records of order of the 2nd Respondent bearing proceedings in Na.Ka.R.V.2/1920/2014, dated 01.04.2015, and order dated 31.10.2015 in Se.Mu.No. 3538/2015/A passed by 1st respondent and quash the same and consequently direct the respondent herein to reinstate the petitioner into service with continuity of service and all attendant benefits.

WP No.1522 of 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Certiorarified Mandamus calling for the records of order of the 2nd Respondent bearing proceedings in Na.Ka. R.V. 2/6203/2012, dated 01.04.2015, which is confirmed by 1st respondent in Se.Mu. No.3758/2015/A dated 26.09.2015 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service with continuity of service and all attendant benefits.

WP No.1927 of 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Certiorarified Mandamus Calling for the records of order of the 2nd respondent bearing proceedings in Se.Mu.Na.Ka.A2/296/C.V/2014 dated 15.06.2015, which was confirmed by the 1st respondent in Se.Mu.No.4981/2015/A dated 17.10.2015 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service, with continuity of service and all attended benefits.

W.P.NO. 1946 OF 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Certiorarified Mandamus Calling for the records of order of the 2nd Respondent bearing proceedings in Na.Ka.R.V.2/1920/2014 dated 04.04.2015 which is confirmed by 1st respondent in Se.Mu.No.3857/A dated 02.12.2015 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service with continuity of service and all attended benefits.

WP No.3004 of 2016

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Calling for the records of order of the 2nd Respondent bearing proceedings in Se.Mu.Na.Ka.A2/842/C.V/2012 dated 30.05.2015 which is confirmed by 1st respondent in Se.Mu.No.4133/2015/A dated 19.11.2015 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service with continuity of service and all attendant benefits

WP No.7331 of 2016

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Calling for the records of order of the 2nd respondent bearing proceedings in Na.Ka.R.V.1920/2014, dated 17.04.2015, which is confirmed by 1st respondent in Se.Mu.No.3951/2015/A dated 25.09.2015 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service with continuity of service and all attendant benefits

WP No.8047 of 2016

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Directing the respondent to reinstate the petitioner in his service as a Salesman in the TASMACH shop with continuity of service, Back Wages, and all other attendant benefits.

WP No.10899 of 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus To call for the records of the 2nd respondent in relating to the impugned order bearing reference Na.Ka.845/2015/A1 dated 28.12.2015 and quash the same, consequently direct the respondents to reinstate the petitioner in his service as a Salesman in the TASMACH shop with continuity of service, back wages and all other attendant benefits.

WP No.12155 of 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus To call for the records of the respondent in relating to the impugned order bearing reference Na.Ka.No.751/RV-1/2016, dated 19.01.2016 and quash the same as arbitrary, illegal, consequently direct the respondent to reinstate the petitioner in his service as a "Supervisor" in the TASMACH shop with continuity of service, back wages and all other attendant benefits

WP No.26568 of 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus calling for the records pertaining to the order of termination made in Na.Ka.R.V2/2201/2013 dated 23.9.2013 passed by the 3rd respondent and consequential Appellate order made in Se.Mu.No.419/2013/E dated 17.4.2014 passed by the 2nd respondent and the Revision order made in Se. Mu. Order No. R2/ 13494/2014 dated 22.6.2016 passed 1st respondent and quash the same and further directing the 3rd respondent to reinstate the petitioner in service with continuity of service and backwages

WP No.38869 of 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus Calling for the records of the 3rd respondent proceedings vide Na.Ka. No.R2/ 11093/ 2016 dated 29.9.2016 confirming the order of the 2nd respondent vide proceedings Na.Ka. No.5842/ 2015 dated 28.12.2015 confirming the order of the 1st respondent in his proceedings vide Na.Ka. No.A2/ 1097/CV/2015 dated 24.8.2016 order of dismissal from the service and quash the same and consequently direct the 1st respondent to reinstate in service with all back wages and attendance benefits.

WP No.44052 of 2016:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of

certiorarified Mandamus Call for the records relevant to the order in Se.Mu. Na.Ka. NO. R2/ 16469/ 2016 dated 24.11.2016 passed by the 1st respondent by confirming the order of the 2nd respondent in Se.Mu. No. 5645/ 2015/A dated 27.11.2015 and order of the 3rd respondent in Se.Mu. Na.Ka. No.A2/ 425/ C.V./ 2015 dated 10.08.2015 and quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the respondents to reinstate the petitioner into his service in the respondents department and pay back all service benefits to the petitioner with effect from 28.03.2015.

WP No.919 of 2017:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus call for the records relevant to the order in Se. Mu. Na. Ka. No. R1/4799/2016 dt 19.10.2016 passed by the 1st respondent by confirming the order of the 2nd respondent in Se. Mu. NO. 4132/2015/A dt 17.10.2015 and order of the 3rd respondent in Se. Mu. Na. Ka. A2/1465/C.V./2013 dt 4.5.2015 and quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the respondents to reinstate the petitioner into his service in the respondents department and pay back all service benefits to the petitioner with effect from 4.5.2015

WP No.5421 of 2017:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus calling for the records of impugned orders passed by the 3rd Respondent vide Se.Mu.Na.Ka.No.R1/11548/2016, dated 05.12.2016 in confirming the order of the 2nd respondent passed in Se.Mu.No.60/2013/Aa dated 28.04.2016, and in confirming the order of 1st respondent passed in Na.Ka.No.323/2011/A3/CV dated 24.02.2015 and quash the same, consequently direct the respondents to reinstate the petitioner as Salesman with continuity of Service and all other attendant service benefits

WP No.5422 of 2017:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus calling for the records of impugned orders passed by the 3rd Respondent vide Se.Mu.Na.Ka.No.R1/11547/2016, dated 17.11.2016 in confirming the order of the 2nd respondent passed in Se.Mu.No.60/2013/Aa dated 28.04.2016, and in confirming the order of 1st respondent passed in Na.Ka.No.323/2011/A3/CV dated 24.02.2015 and quash the same, consequently direct the respondents to reinstate the petitioner as Salesman with continuity of Service and all other attendant service benefits.

WP No.8945 of 2017:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus Calling for the records pertaining to the Order of Termination made in Na.Ka.R.V2/ 2201/ 2013 dated 23.9.2013 passed by 3rd respondent and consequential Appellate Order made in Se.Mu.No.418/ 2013/E dated 17.4.2014 passed by the 2nd respondent and the Revision Order made in Se.Mu.Order No.R2/ 31794/2015 dated 18.7.2016 passed by the 1st respondent and quash the same and further directing the 3rd respondent to reinstate the petitioner in service with continuity of service and backwages

WP No.17959 of 2017:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of calling for the records of order of the respondent bearing proceedings in Se. Mu. Na.Ka. A2/577/C.V/ 2013 dated 30.4.2017 and quash the same and consequently direct the respondents herein to reinstate the petitioner into service

WP No.24193 of 2017:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus to call for the records Respondents in relating to the impugned order of the 2nd respondent Na.Ka. No.152/ 2017/ A1 dated 07.08.2017, whereby confirmed is confirming the 1st respondent order Na.Ka. No.1151/ 07 R.V.1, dated 26.12.2007, and quash the same, as arbitrary, illegal and consequently direct the respondents to reinstate the petitioner in his service as a Supervisor in the TASMACH Shop at Coimbatore with continuity of service, Back wages, and all other attendant benefits, award cost

WP No.24257 of 2017:

Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of certiorarified Mandamus to call for the records of the respondent in relating to the impugned order bearing No. Na.Ka.A4 No.68/2015 dated 22.3.2016 and quash the same as arbitrary, illegal, consequently direct the respondent to reinstate the petitioner in his service as a Salesman in the TASMACH shop, at Kothagiri Taluk, Nilgiris District, with continuity of service, back wages and all other attendant benefits.

For Petitioner

- Mr.K.Mohamed Hussen(WP 23353/15), Mr.P.R.Thiruneelakandan (WPs 23554, 27279/15, 674,8047,10899,12155/16, 24193 & 24257/17), Mr.K.Sasindran (WPs33138, 37552, 37837,37909, 39833 to 39835, 40379, 40380/15, 451 1064, 1522, 1927,1946, 3004,&7331/16), Mr.M.R.Jothimanian (WPs 38214, 39181,39182/15,5421,5422/17), Mr.A.Nagarathinam (WPs 26568, /16,8945/17) Mr.I.Abraham (WP 38869/16) Mr.A.Rajeshkanna (WPs44052/16, 919/17), Mr.P.Suresh Babu (WP 17959/17) M/s.R.Dhinesh Kumar (W.P.No. 10651/16)

For Respondents

- Mr.P.Arumugarajan (WPs. 23353, 33138, 39833 to 39835 40379&40380/15, 1064, 1065, 1522,1946,7331&26568/16,919, 8945&17959/17) Mr.K.Sathishkumar (WPs. 23353,27279,37552, 37909,38214,39181,39182/15, 451,674,8047,10899,12155/16, 5421,5422,24193&24257/17) Mr.B.Nedunchezian (WPs. 37837/15,1927,3004,38869& 44052/16)

COMMON ORDER

Tvl.K.Mohamed Hussen, Mr.P.R.Thiruneelakandan, Mr.K.Sasindran, Mr.M.R.Jothimanian, Mr.A.Nagarathinam, Mr.I.Abraham, Mr.A.Rajesh Kanna and Mr.P.Suresh Babu, learned counsel appearing on behalf of the petitioners, submitted that principles of natural justice have been violated in all the cases and no proper enquiry was held and that the petitioners were dismissed from service. The learned counsel for the petitioners has now submitted that the petitioners are prepared to give up their back wages, if the respondents come forward to reinstate them with continuity of service.

2. Tvl.P.Arumugarajan, B.Nedunchezian and K.Sathishkumar learned counsel, appearing on behalf of the respondents, submitted that recently, the Government have issued a Circular, stating clearly that even in the case of misappropriation of the money from the Shop of TASMAC, showing some leniency depending upon the gravity of the nature of misappropriation, a fine amount along with the original misappropriated amount found in the enquiry can be imposed as a measure of punishment. Since the respondent-Board has taken a decision to impose fine, namely, the fine amount plus the misappropriated amount, this Court accepts the request of the learned counsel appearing for the petitioners that the petitioners would not claim any back wages.

3. This Court finds that the order of termination passed against the petitioners are in violation of principles of audi alteram partem for, no enquiry was held properly and hence, they are set aside. The respondents are directed to reinstate the petitioners into service without back wages but with continuity of service. The said exercise shall be done within a period of two weeks from the date of receipt of a copy of this order.

4. The writ petitions stand allowed on the above terms. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

//True copy//

Sub Assistant Registrar

Svn

To

1 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION Ltd.,
(TASMAC) 56 BHIRUNTHAVANAM SALAI
AZHAGAPURAM SALEM-16.

2 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION Ltd.,
(TASMAC) 62/70 ANNA SALAI TAMIL NADU
GODOWN COMPLEX THIRUVANNAMALAI

3. THE DISTRICT MANAGER
TAMILNADU STATE MARKETING-CORPORATION LTD.
(TASMAC) COIMBATORE DIVISION COIMBATORE
TAMILNADU.

4. THE MANAGING DIRECTOR,
TAMIL NADU STATE MARKETING CORPORATION LTD,
(TASMAC) EGMORE CHENNAI -8
- 5 THE DISTRICT MANAGER
TAMILNADU STATE MARKETING -CORPORATION LTD.
(TASMAC) NILAGIRI DIVISION
NILAGIRI DISTRICT, TAMIL NADU.
- 6 THE MANAGING DIRECTOR
TASMAC LIMITED CMDA TOWER II IV FLOOR
GANDHI IRWIN BRIDGE ROAD,
EGMORE-600 008
(THALAMUTHU NATARAJAN MALIGAI)
- 7 THE SENIOR REGIONAL MANAGER
TASMAC LIMITED 141 & 142
M.S.R.COMPLEX DAYALAN STREET
GOUNDAM PALAYAM
COIMBATORE-30
- 8 THE DISTRICT MANAGER
COIMBATORE SOUTH DISTRICT
IMFS DEPOT TASMAC LTD.
SURIYAMPALAYAM
VASAVI COLLEGE (POST)
ERODE-638 316
- 9 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC) NO.59-A WARE HOUSING CORPORATION
CHENNAI TRUNK ROAD, VILLUPURAM-605602.
- 10 THE DISTRICT MANAGER
ERODE DISTRICT IMFS DEPOT TASMAC LTD.
SURIYAMPALAYAM VASAVI COLLEGE (POST)
ERODE- 638316.
- 11 THE DISTRICT MANAGER
NAMAKKAL DISTRICT,
TAMIL NADU STATE MARKETING CORPORATION LTD
NAMAKKAL.
- 12 THE DISTRICT MANAGER /DEPUTY COLLECTOR
SALEM DISTRICT, TASMAC
TAMIL NADU STATE MARKETING CORPORATION LTD
SANTHIYUR SALEM- 636 203
SALEM DISTRICT

- 13 THE SENIOR REGIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAC LTD) 56,
BRINDAVAN ROAD, FAIRLANDS
SALEM-16.
- 14 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC) TIRUPPUR DISTRICT.
- 15 THE DISTRICT MANAGER
AROKKONAM DISTRICT
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC) SIPCOT, RANIPET VAALAJA TALUK,
VELLORE DISTRICT.
- 16 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC) TANCOF COMPLEX NO.52 ANNA SALAI
THIRUVANNAMALAI.
- 17 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC) TANCOF COMPLEX NO.52, ANNA SALAI
THIRUVANNAMALAI.
- 18 THE DISTRICT MANAGER -
KOVAI DIVISION,
TAMILNADU STATE MARKETING - CORPORATION LTD
(TASMAC) COIMBATORE TAMIL NADU
- 19 THE SENIOR REGIONAL MANAGER
TAMILNADU STATE MARKETING CORPORATION LTD.
(TASMAC) COIMBATORE TAMIL NADU.
- 20 THE DISTRICT MANAGER (NORTH)
TAMIL NADU STATE MARKETING CORPORATION LTD.
(TASMAC) COIMBATORE DIVISION
COIMBATORE.
- 21 THE MANAGING DIRECTOR
TAMILNADU STATE MARKETING CORPORATION LTD.
4TH FLOOR CMDA TOWER II,
EGMORE CHENNAI-8
- 22 THE DISTRICT MANAGER
IMFS DEPOT TASMAC LTD.
TANCOF COMPLEX 52
ANNA SALAI TIRUVANNAMALAI

- 23 THE DISTRICT MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAC) ARAKKONAM,
VELLORE DISTRICT
- 24 THE SENIOR DIVISIONAL MANAGER
TAMIL NADU STATE MARKETING CORPORATION LTD
(TASMAC) SALEM DIVISION, SALEM
- 25 THE DISTRICT MANAGER
VELLORE DISTRICT,
TAMILNADU STATE MARKETING CORPORATION LTD.
(TASMAC) IMFS DEPOT NO.1
TAMILNADU WAREHOUSING CORPORATION LTD.
KATPADI ROAD VELLORE
- 26 THE DISTRICT MANAGER
TAMILNADU STATE MARKETING CORPORATION LTD
(TASMAC) COIMBATORE DIVISION,
DAYALAN STREET,
GOUNDAMPALAYAM COIMBATORE
- 27 THE SENIOR REGIONAL
MANAGER TAMILNADU STATE MARKETING CORPORATION LTD
(TASMAC) COIMBATORE DIVISION,
COIMBATORE TAMILNADU
- 28 THE DISTRICT MANAGER
TAMILNADU STATE MARKETING CORPORATION LTD.
(TASMAC) NILGIRIS DISTRICT, TAMILNADU
- 29 THE DISTRICT MANAGER
TAMILNADU STATE MARKETING CORPORATION Ltd,
(TASMAC), VELLORE DISTRICT.

+1cc to Mr.P.Suresh babu, Advocate SR.No.15747
+1cc to Mr.Mohamed Hussain, Advocate SR.No.15748
+1cc to Mr.K.Sasindran, Advocate SR.No.15746
+1cc to Mr.R.Dhinesh Kumar, Advocate SR.No.15458
+2cc to Mr.A.Nagarathinam, Advocate SR.No.15570, 15571
+3cc's to Mr.A.Rajesh Kanna, Advocate SR.No.15176, 15177, 15282

+4cc's to Mr.B.Nedunchezhiyan, Advocate SR.No.15169, 15152,
15152 & 15164

+4cc's to Mr.K.Sathish Kumar, Advocate SR.No.15769, 15764,
15767, 15768

+5cc to Mr.R.Jothimanian, Advocate SR.No.15083, 15084, 15085,
15086 & 15087

W.P.Nos.23353,23554,27279,33138,3755
2,37837,37909,38214,
39181,39182,39833 to 39835,40379 &
40380 of 2015,451,674, 1064,
1065,1522,1927,1946,3004,7331,
8047,10899,12155,26568,38869&
44052/16,919,5421,5422,
8945,17959,24193 & 24257 of 2017

CP (CO)
GN (06/06/2018)

Compared by PR (SO)



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