

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.27113/2017

M.Mathavan

.. Petitioner

Vs

The Managing Director
Tamil Nadu State Marketing
Corporation Limited [TASMAC]
4th Floor, CMDA Tower
Gandhi Erwin Bridge Road
Egmore, Chennai-600 008.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus directing the respondent to dispose of the petitioner revision dated 23.11.2015 and the representation dated 10.07.2017 within the time frame.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.John Kennedy

ORDER

By consent of both sides, this Writ Petition is taken up for hearing and disposal.

2 The petitioner has filed the present writ petition seeking direction to the respondent to dispose of his revision as well as the representation dated 23.11.2015 and 10.07.2017 respectively within the stipulated time frame.

3. The case of the petitioner is that he was appointed as the Salesman in the TASMAC, Vellore District in Shop NO.11325. On 31.10.2013, a surprise inspection was conducted in the said shop and found that the petitioner along

with two others, were found in selling liquors mixed with water illegally. Immediately, FIR was filed against the petitioner and two other accused and the petitioner was suspended on the same day, i.e., 31.10.2013. Thereafter, a Charge Memo was issued on 20.12.2013, to which, the petitioner has submitted his reply on 23.12.2013, denying the charges. Disciplinary proceedings were initiated against the petitioner and no progress has been made and on 15.06.2014, nearly after six months, a show cause notice was issued and the petitioner submitted his response on 08.07.2014. Not being satisfied with the said reply/explanation, an Enquiry Officer was appointed and on completion of the enquiry, the Enquiry Officer filed his Enquiry Report, wherein it has been stated among other things, the charges were proved. On 23.11.2014, a notice was issued to the petitioner and the petitioner submitted his explanation on 17.12.2014. In the interregnum, the criminal case registered against the petitioner in CC.No.66/2014 was dismissed by the Court of Additional District Munsif - cum - Judicial Magistrate, Ambur, acquitting the petitioner from the criminal charges vide order dated 26.02.2015. The respondent, without taking into consideration the judgment of acquittal of the petitioner, had mechanically passed an order of removal dated 06.04.2015, removing the petitioner from service. It is the contention of the petitioner that the principles of natural justice have been violated and the appeal preferred by the petitioner before the Appellate Authority-The Senior Regional Manager, TASMAC, Salem, on 06.05.2015, was dismissed and the revision filed before the Managing Director, TASMAC / the respondent herein, on 23.11.2015, is still pending till date without consideration and the representation submitted by the petitioner dated 10.07.2017 to dispose of the revision at the earliest, also did not evoke any kind of response. Hence, the petitioner, left with no other alternative, has approached this Court, by filing the present writ petition seeking a direction to the respondent.

4. This Court heard the submissions of Mr. John Kennedy, learned Standing Counsel appearing for the respondents.

5. Considering the nature of relief sought for by the petitioner, this Court permits the petitioner to submit one more representation to the respondent for the disposal of his revision petition along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondent is directed to consider the revision petition submitted by the petitioner on merits and in accordance with law and pass orders within a further period of four weeks and communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director
Tamil Nadu State Marketing
Corporation Limited [TASMAC]
4th Floor, CMDA Tower
Gandhi Erwin Bridge Road
Egmore, Chennai-600 008.

+1cc to Mr. P.Suresh Babu, Advocate, S.R.No.51503
+1cc to Mr.M.John Kennedy, Advocate, S.R.No.52028

W.P.No.27113/2017

rrs 10/09/2018



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