

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-02-2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.27968, 27970, 34708, 37678 of 2015, 5735, 11540, 24755,
29404, 39498, 41335 of 2016, 2424, 6464, 7844, 10363, 17716,
17735, 17777 of 2017 and 108 of 2018

And

MP Nos.2, 1, 2 of 2015, WMP Nos.5077, 9967, 9968, 21157, 25436,
25437, 33783, 33784, 35281, 35282 of 2016, 2398, 6973, 6974,
8571, 8599, 11278, 19213, 19251, 19286 of 2017, 134 and 135 of
2018

P.SURESH ... PETITIONER IN WP.27968 OF 2015
N.CHANDRASEKARAN ... PETITIONER IN WP.27970 OF 2015
B.PASUPATHY ... PETITIONER IN WP.34708 OF 2015
K.THANGAMANI ... PETITIONER IN WP.37678 OF 2015
A.SURESH ... PETITIONER IN WP.5735 OF 2016
M.SELVAM ... PETITIONER IN WP.11540 OF 2016
M.ARICHANETIRAN ... PETITIONER IN WP.24755 OF 2016
R.ANANTHAN ... PETITIONER IN WP.29404 OF 2016
G.RAJESH ... PETITIONER IN WP.39498 OF 2016
G.NAGARAJAN ... PETITIONER IN WP.41335 OF 2016
M.NAGARAJAN ... PETITIONER IN WP.2424 OF 2017
S.MUNUSAMY ... PETITIONER IN WP.6464 OF 2017
R.PALANI ... PETITIONER IN WP.7844 OF 2017
M.SANJEEVERAYAN ... PETITIONER IN WP.10363 OF 2017
P.VELU ... PETITIONER IN WP.17716 OF 2017
K.S.MANI KANDAN ... PETITIONER IN WP.17735 OF 2017
A.ANANDA KUMAR ... PETITIONER IN WP.17777 OF 2017
G.BOOPALAN ... PETITIONER IN WP.108 OF 2018

-VS-

1.THE MANAGING DIRECTOR,
TAMIL NADU STATE MARKETING CORPORATION LTD (TASMAL),
CHENNAI-600 008. ...1ST RESPONDENT IN WP.27968, 27970/2015
& WP.39498/16, 2424/2017,
& WP.6464, 10363/2017, 108/2018

2.THE SENIOR REGIONAL MANAGER,
TASMAC REGIONAL OFFICE,
SALEM-636 016.

...2ND RESPONDENT IN WP.27968, 27970/2015
& WP.39498/16, 2424/2017,
& WP.6464, 10363/2017, 108/2018
AND 1ST RESPONDENT IN WP.34708, 37678/2015
& WP.5735, 11540/2016
& WP.24755, 29404/2016

2.THE DISTRICT MANAGER,
TAMIL NADU STATE MARKETING CORPORATION LTD (TASMAC),
VELLORE-632 001.

.. 3RD RESPONDENT IN WP.27968 & 27970/2015
2ND RESPONDENT IN WP.37678/2015

THE DISTRICT MANAGER,
TASMAC, NO.62/70, ANNA SALAI,
TIRUVANNAMALAI-606 601.

.. 2ND RESPONDENT IN WP.34708/2015 &
5735/2016, 24755/2016

THE DISTRICT MANAGER,
TASMAC, RANIPET, ARAKKONAM, DIVISION,
VELLORE DISTRICT.

.. 2ND RESPONDENT IN WP.11540/2016 & 29404/2016

THE DISTRICT MANAGER,
TAMIL NADU STATE MARKETING CORPORATION LTD,
KRISHNAGIRI

..3RD RESPONDENT IN WP.39498/2016

THE SENIOR REGIONAL MANAGER,
TASMAC, LLA BUILDING, 4TH FLOOR,
NO.735, ANNA SALAI, CHENNAI 2.

.. RESPONDENT IN WP.41335/2016 & 7844/2017

THE DISTRICT MANAGER,
TASMAC, THIRUVALLUR DISTRICT.

.. 2ND RESPONDENT IN WP.41335/2016

THE DISTRICT MANAGER,
TAMIL NADU STATE MARKETING CORPORATION LTD.,
RANIPET, VELLORE DISTRICT

.. 3RD RESPONDENT IN WP.2424, 10363/2017

THE DISTRICT MANAGER,
TASMAC, 12B, TNWHC COMPLED,
SIPCO, RANPET, VELLORE DISTRICT.

..3RD RESPONDENT IN WP.6464/2017

THE DISTRICT MANAGER,
TASMAC, NOS.29 & 30, SIDCO INDUSTRIAL ESTATE,
KAKKALUR (WEST), THIRUVALLUR

.. 2ND RESPONDENT IN WP.7844/2017

THE DISTRICT MANAGER,
TASMAC LTD., THIRUVALLUR (EAST)
TIRUMAZHISAI-1, SEMBARABOKKAM.
ARAKKONAM, VELLORE DISTRICT.

..RESPONDENT IN WP.17716, 17735, 17777/2017

THE DISTRICT MANAGER,
TASMAC, LTD.,
THIRUVANNAMALAI.

.. 3RD RESPONDENT IN WP.108/2018

WP 27968 & 27970 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 District Manager, TASMAC, Vellore-632 001, the third respondent herein, passed in Se.Mu.Na.Ka.No.A2/451/CV/2015 dated 17.8.2015 and to quash the same and consequently directing the respondents to reinstate the petitioner in service with effect from the date of dismissal viz., 17.8.2015 with continuity of service, back wages and other attendant benefits till the petitioner is reinstated in service.

Writ of Certiorarified Mandamus, Caling for the records on the file of the Respondent in connection with his proceedings Na.Ka.R.V.2/6203/2012 dated 01.04.2015 passe by the 2nd Respondent and Se.Mu.No. 3758/2015/A dt 26.09.2015 passed by the 1st respondent and quash the same and consequently direct the respondents to reinstate the Petitioner in service with all service, monetary and attendant benefits(IN WP.34708 OF 2015)

Writ of Certiorarified Mandamus, call for the records of the Proceedings No.Se.Mu.Na.Ka.A2/963 C.V/2013 dated 28.02.2015 passed by the 2nd Respondent and Se.Mu.No.2230/2015/A dated 18.06.2015 passed by the 1st respondent and quash the same by issuing a Writ of Certiorarified Mandamus and consequently direct the Respondents to reinstate the petitioner in service with all service and monetary benefits(in WP.37678/2015)

Writ of Certiorarified Mandamus, calling for the records on the file of the respondent in connection with his proceedings in (I) Na.Ka.R.V.2/5954/2012, dated 16.3.2015 passed by the 2nd respondent and (ii) Se.Mu.No.2472/2015/A, dated 30.5.2015 passed by the 1st respondent and quash the same and consequently direct the respondents to reinstate the petitioner in service with all service, monetary and attendant benefits (in WP.5735/2016)

Writ of Certiorarified Mandamus, Calling for the records on the file of the Respondent in connection with his proceedings in (i) Se.Mu.Na.Ka.No.A2/842/C.V.2012 dated 30.05.2015 passed by the 2nd Respondent and (ii) Se.Mu.No.4133/2015/A, dated 19.11.2015 passed by the 1st Respondent and quash the same and consequently direct the Respondents to reinstate the petitioner in service with all service, monetary and attendant benefits.(IN WP.11540 OF 2016)

Writ of Certiorarified Mandamus, or any other appropriate writ, order or Direction to call for the records on the file of the respondent in connection with his proceedings (I) Se. Mu. No. 5273/2015/A dt 22.3.2016 passed by the 1st respondent and (ii) Na. Ka. R.V. 2/576/2013 dt 4.4.2015 by the 2nd respondent and to quash the same and consequently direct the respondents to reinstate the petitioner in service with all service, monetary and attendant benefits (in WP.24755/2016)

Writ of Certiorarified Mandamus, or any other appropriate Writ, order or Direction in the Nature of a Writ, To call for the records of the first respondent passed in (i) Se.Mu.No.6020/2015/A dated 28.12.2015 and (ii) Se.Mu.Na.Ka.No. A2/914-8/C.V./2014 dated 20.07.2015 passed by the second respondent and quash the same and consequently direct the respondents herein to reinstate the petitioner forthwith in the post of Supervisor (IN WP.29404/2016)

Writ of Certiorarified Mandamus, Calling for the records on the file of the respondents in connection with the proceedings in Se.Mu. Na.Ka. No.R2/ 31165/ 2015 dated 21.09.2016 passed by the first respondent, the order passed by the second respondent in order No.Se.Mu. No.3016/ 2015/A, dated 22.07.2015 and the order passed in Na.Ka. No.1236/ 2014/ CV-1, dated 06.04.2015 by the 3rd respondent and quash the same and consequently direct the respondents to reinstate the petitioner in service with all service, monetary and attendant benefits(IN WP.39498 OF 2016)

Writ of Certiorarified Mandamus, Calling for the records on the file of the respondents in connection with the proceedings in Na.Ka.No. A2-123A-2012, dated 19.10.2012 passed by the second respondent and the order in Se.Mu. Order No. A3/3951/2014 dated 20.11.2014 passed by the first respondent and quash the same and consequently direct the respondents to reinstate the petitioner in service with all service, monetary and attendant benefits (in WP.41335 OF 2016)

Writ of Certiorarified Mandamus, calling for the records on the file of the respondents in connection with his proceedings in (I) Se. Mu. Na. Ka. No.A2/079/C.V.2015 dt 20.8.2015 passed by the 3rd respondent and (ii) Se. Mu. No. 5842/2015/A, dt 28.12.2015 passed by the 2nd respondent and (iii) Se. Mu. Na. Ka. No. R.2/11094/2016 dt 20.10.2016 passed by the 1st respondent and quash the same and consequently direct the respondents herein to reinstate the petitioner in service with all service, monetary and attendant benefits (IN WP.2424 OF 2017)

Writ of Certiorarified Mandamus, calling for the records on the file of the respondents in connection with his proceedings in (I) Se.Mu.Na.Ka.No.A2/1307/C.V./2013, dated 18.05.2015 passed by the 3rd respondent and (ii) Se.Mu.No.4294/2015/A, dated 31.10.2015 passed by the 2nd respondent and (iii) Se.Mu.Na.Ka.No.R1/567/2016, dated 26.10.2016 passed by the 1st respondent and quash the same and consequently direct the respondents herein to reinstate the petitioner in service with all service, monetary and attendant benefits (IN WP.6464 OF 2017)

Writ of Certiorarified Mandamus, calling for the records on the file of the Respondents in connection with his proceedings in Se.Mu. Ka. No.A8/ 873/ 2014 dated 27.07.2015 and Se. Mu. No. A9/1060/ 2016 dated 24.01.2017 and quash the same consequently direct the Respondent to reinstate the petitioner in service with all service monetary and attendant benefits(IN WP.7844 OF 2017)

Writ of Certiorarified Mandamus, Calling for the records on the file of the Respondents in connection with the proceedings in (1) Se.Mu.Na.Ka.No. A2/228/C.V./2013 dated 10.12.2014 passed by the 3rd Respondent and (2) Se.Mu.No.886/2015/A, dated 24.06.2015 passed by the 2nd Respondent and quash the same and consequently direct the Respondents herein to reinstate the petitioner in service with all service, monetary and attendant benefits(IN WP.10363 OF 2017)

Writ of Certiorarified Mandamus, calling for the records on the file of the Respondent in connection with his proceedings in Se. Mu. Ka. No.A6/ 2892/ 2016 dated 14.03.2017 passed by the Respondent and quash the same and consequently direct the Respondent to reinstate the Petitioner in service with all service, monetary and attendant benefits(IN WP.17716 & 17777/2017)

Writ of Certiorarified Mandamus, calling for the records on the file of the respondent in connection with his proceedings in Se.Mu.Ka.No.A2/1384/2015 dated 27.02.2017 passed by the

respondent and quash the same and consequently direct the respondent to reinstate the petitioner in service with all service monetary and attendant benefit (IN WP.17735 OF 2017)

Writ of Certiorarified Mandamus, Calling for the records on the file the respondents in connection with his proceeding sin Na.Ka. R.V.2/867/2013 dated 8.4.2015 passed by the 3rd respondent and Se.Mu. No.3279/2015/A dated 21.9.2015 passed by the 2nd respondent and quash the same and consequently direct the respondents to reinstate the petitioner in service with all service, monetary and attendant benefits(IN WP.108 OF 2018)

For Petitioners in all WPs - Ms.Lesi Saravanan

For Respondents - Mr.P.Arumugarajan (WP Nos. 34708/15, 37678/15, 5735/16, 11540/16, 24755/15, 41335/16, 7844/17, 17716/17, 17735/17, 17777/17 and 108/18

Mr.B.Nedunchezian (WP Nos. 27968 & 27970/15, 29404/16 39498/16, 2424/17, 6464/17, 10363/17,

COMMON ORDER

Ms.Lesi Saravanan, 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, 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. But this Court finds that the said Circular dated 4.5.2017, cannot be made applicable to this case. The reason is that the petitioner has been dismissed from service without holding any enquiry.

3. This Court finds that the order of dismissal passed against the petitioners are in violation of principles of audi alteram partem 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 MANAGING DIRECTOR,
TAMIL NADU STATE MARKETING CORPORATION LTD (TASMAC),
CMDA TOWER - II, 4TH FLOOR, GANDHI IRWIN BRIDGE ROAD,
CHENNAI-600 008.

2. THE SENIOR REGIONAL MANAGER,
TASMAC,
SALEM-636 016.

3. THE DISTRICT MANAGER,
(TASMAC),
VELLORE-632 001.

4. THE DISTRICT MANAGER,
TASMAC, NO.62/70, ANNA SALAI,
TIRUVANNAMALAI-606 601.

5. THE DISTRICT MANAGER,
TASMAC, RANIPET, ARAKKONAM, DIVISION,
VELLORE DISTRICT.

6. THE DISTRICT MANAGER,
TASMAC,
KRISHNAGIRI

7. THE SENIOR REGIONAL MANAGER,
TASMAC, LLA BUILDING, 4TH FLOOR,
NO.735, ANNA SALAI, CHENNAI 2.

8. THE DISTRICT MANAGER,
TASMAC, THIRUVALLUR DISTRICT.

9. THE DISTRICT MANAGER,
TASMAC, RANIPET, VELLORE DISTRICT

10. THE DISTRICT MANAGER,
TASMAC,
12B, TNWHC COMPLED,
SIPCO, RANPET, VELLORE DISTRICT.

11. THE DISTRICT MANAGER,
TASMAC, NOS.29 & 30, SIDCO INDUSTRIAL ESTATE,
KAKKALUR (WEST), THIRUVALLUR

12. THE DISTRICT MANAGER,
TASMAC LTD., TIRUVALLUR (EAST)
TIRUMAZHISAI-1, SEMBARABOKKAM.
ARAKKONAM, VELLORE DISTRICT.

13. THE DISTRICT MANAGER,
TASMAC, LTD.,
THIRUVANNAMALAI.

+18 cc to Ms.Lesi Saravanan Advocate, S.R.No.15193 TO
15210

+7cc to Mr.B.Nedunchezian Advocate, S.R.No.15153,
15154, 15165, 15166, 15168, 15170 & 15171

W.P.Nos.27968, 27970, 34708,
37678 of 2015, 5735, 11540,
24755, 29404, 39498, 41335 of
2016, 2424, 6464, 7844,
10363, 17716, 17735, 17777 of
2017 and 108 of 2018

CA(CO)
TR(30/05/2018)

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