

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.42082/2016

R.Vijayakumar

..

Petitioner

Vs

1 The Managing Director
[TASMAC], O/o.The Managing Director,
TASMAC Ltd.,
4th Floor, CMDA Tower-II
Egmore, Chennai 600 008.

2 The Senior Regional Manager
[TASMAC], O/o.The Senior Regional
Manager, TASMAC Ltd.,
56, Brindhavan Road
Fairlands, Salem-16.
Salem District.

3 The District Manager [TASMAC]
O/o.The District Manager
Arakonam District TASMAC Ltd.,
Arakonam, Vellore District.

....

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus directing the 1st respondent to consider and pass orders on the Revision dated 23.10.2015 filed by the petitioner against the order of dismissal passed by the 3rd respondent vide his proceedings Se.Mu.Na.Ka.No.A2/562/S.Vi/2014 dated 30.06.2015 and the order passed by the 2nd respondent in the appeal dated 28.09.2015 filed by the petitioner.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.John Kennedy
Standing counsel for TASMAC

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 for issuance of a writ of mandamus, to direct the 1st respondent to dispose of the revision filed by him dated 23.10.2015, challenging the order of rejection of his appeal and the removal from service order passed by the respondents 3 and 2 dated 30.06.2015 and 28.09.2015 respectively.

3 The petitioner would aver that he was sponsored through the Employment Exchange and was appointed as a Salesman in the TASMACH Shop NO.11146 on 27.11.2003. Upon working in various branches, the petitioner was finally transferred to Shop No.11147 at Sholingar, Vellore District. On 26.03.2014, the Flying Squad headed by the 2nd respondent conducted a surprise raid in the said shop and found that the certain bottles of liquor were sold in loose apart from other discrepancies and submitted his report. On receipt of the said report, the 3rd respondent issued the order of suspension against the petitioner on 07.04.2014 alleging certain discrepancies in the petitioner's duty and a Show cause Notice was issued on 15.09.2014 alleging four charges, to which, the petitioner has submitted his reply on 29.09.2014. Not being satisfied with the said reply/explanation, an Enquiry Officer was appointed on 15.04.2015 and without conducting any proper domestic enquiry, the Enquiry Officer filed his Enquiry Report. On 12.06.2015, the 2nd show cause notice was issued calling for the explanation of the petitioner to the said Enquiry Report and having submitted his explanation on 22.06.2015, the petitioner was not even heard in person and no opportunity was afforded to him to put forth his case and he was removed from service vide order of the 3rd respondent dated 30.06.2015 and the appeal preferred by him before the 2nd respondent was also rejected on 28.09.2015 and 15.11.2017 respectively and challenging the legality of the said orders, the petitioner has filed revision before the Revisional Authority, viz., the 1st respondent on 23.10.2016 and the same has not been disposed of till date and hence, having no other option, the petitioner has filed the present petition.

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 a representation to the 1st 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 1st 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.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rka

To

- 1 The Managing Director
[TASMAC], O/o.The Managing Director,
TASMAC Ltd.,
4th Floor, CMDA Tower-II
Egmore, Chennai 600 008.
- 2 The Senior Regional Manager
[TASMAC], O/o.The Senior Regional
Manager, TASMAC Ltd.,
56, Brindhavan Road
Fairlands, Salem-16.
Salem District.
- 3 The District Manager [TASMAC]
O/o.The District Manager
Arakonam District TASMAC Ltd.,
Arakonam, Vellore District.

+lcc to Mr.V.R.Appaswamee, Advocate, S.R.No.51758
+lcc to Mr.M.John Kennedy, Advocate, S.R.No.52029

rrs 10/09/2018

W.P.No.42082/2016