

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.Nos.2825 & 2826 of 2018
and C.M.P.Nos.23482 & 23484 of 2018

1. The District Manager,
Salem District,
Tamil Nadu State Marketing Corporation Ltd.,
Santhiyur, Salem District,
Salem - 636 203.
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
56, Brindavan Road, Fairlands, Salem - 16.
3. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
Thalamuthu Natarajan Maligai,
Chennai - 8. ... Appellants in both the WAs.

Vs.

G.Munusamy .. Respondent in W.A.No.2825 of 2018

V.Muthusamy .. Respondent in W.A.No.2826 of 2018

Prayer: Writ Appeals filed under Clause 15 of Letters Patent against the common order of this Court, dated 27.02.2018, made in W.P.Nos.39181 & 39182 of 2015.

W.P.Nos.39181 of 2015:

Writ Petition praying to 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.

W.P.Nos.39182/2015:

Writ Petition praying to nature 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.

For Appellants : Mr.K.Sathish Kumar

C O M M O N J U D G E M E N T

(Judgement of the Court was made by S.MANIKUMAR, J.)

Instant writ appeals are directed against the common order made by the Writ Court in W.P.Nos.39181 & 39182 of 2015, dated 27.02.2018.

2. By observing that the principles of natural justice have not been followed, Writ Court set aside the orders of termination, passed against the writ petitioners / respondents herein, by the appellants herein and directed the appellants herein to reinstate the writ petitioners / respondents herein, in service without backwages but with continuity of service.

3. Order of the Writ Court holding that principles of natural justice has not been followed cannot be interfered with for the reason that no department enquiry has been conducted.

4. The District Manager, TASMAG, Salem has only scrutinised the explanation and without conducting enquiry into the serious allegation of misappropriation, terminated the service of the writ petitioners / respondents herein.

5. Mr.K.Sathish Kumar, learned standing counsel for TASMAG submitted that earlier, writ petitioners / respondents herein, were suspended for serious allegation of misappropriation.

6. There is no error in ordering reinstatement. Therefore, while conducting enquiry into the charges already framed, it is always open to the appellants herein to place the writ petitioners / respondents herein, under suspension, if they so desire.

7. With the above observation, writ appeals are disposed of. Consequently the connected miscellaneous petitions are closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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MG(CO)
SP(28/01/2019)

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