



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 1943 to 1946 of 2018

Murugan	...	Petitioner in W.P.(MD).No.1943 of 2018
Muthaiah	...	Petitioner in W.P.(MD).No.1944 of 2018
Ramakrishnan	...	Petitioner in W.P.(MD).No.1945 of 2018
Andikumar	...	Petitioner in W.P.(MD).No.1946 of 2018

Vs.

1.The Managing Director,
Head Office, The Tamil Nadu State Marketing
Corporation,
(TASMAC), 4th Floor, CMDA Tower-II, Egmore,
Chennai - 600 008.

2.The Senior Regional Manager,
The Tamil Nadu State Marketing Corporation,
(TASMAC), Madurai.

3.The District Manager,
The Tamil Nadu State Marketing Corporation,
(TASMAC), Tuticorin

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to reinstate the petitioner into service pursuant to the order dated 31.01.2017, passed by the third respondent.

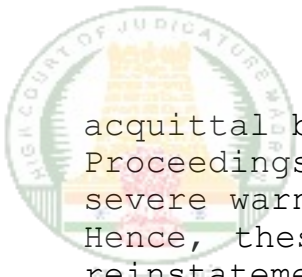
For petitioner	: Mr. A.Joel Paul Antony
For respondents	: Mr. Jameel Arasu, (in all Writ Petitions)

O R D E R

Mr.Jameel Arasu, learned Standing Counsel takes notice for the respondents.

2. By consent of both parties, these main writ petitions are taken up for final disposal at the stage of admission itself.

3. The petitioners were employed in the Liquor Outlets run by the respondents/Corporation. They were suspended from service on the ground that they had mixed water in liquor. criminal prosecution was also initiated. The criminal prosecution ended in



acquittal by Judgment of the competent Criminal Court. Disciplinary Proceedings also ended and the petitioners were let off with a severe warning. But till date the petitioners were not reinstated. Hence, these writ petitions have been filed, seeking the relief of reinstatement.

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4. Heard the learned Counsel on either side.

5. It is not in dispute that the petitioners were acquitted by the criminal Court. It is also not in dispute that even though disciplinary proceedings were initiated against the petitioners, they only culminated in severe warning and no punishment of dismissal was passed on the petitioners. The petitioners have given an undertaking that they will not claim any subsistence allowances or wages for the period of suspension. In fact, the final order of punishment specifically reads that the period of suspension shall be treated as one of punishment. The punishment order was passed on 31.01.2017. There is absolutely no justification in not granting employment to the petitioners immediately thereafter. This Court finds merit in these writ petitions. The respondents/Corporation are directed to reinstate the petitioners in service forthwith.

6. These Writ Petitions stand allowed accordingly. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

- 1.The Managing Director,
Head Office, The Tamil Nadu State Marketing
Corporation, (TASMAC), 4th Floor, CMDA Tower-II, Egmore,
Chennai - 600 008.
- 2.The Senior Regional Manager,
The Tamil Nadu State Marketing Corporation,
(TASMAC), Madurai.
- 3.The District Manager,
The Tamil Nadu State Marketing Corporation,
(TASMAC), Tuticorin.

+1CC TO M/S.B.JAMEEL ARASU, ADVOCATE, SR NO.47062

+4CC TO M/S.A.JOEL PAUL ANTONY, ADVOCATE, SR NOS.46725 TO 46728

ORDER MADE IN
W.P. (MD) .No.1943 to 1946 of 2018
07.02.2018

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MS/SV-MMS/SAR-2/26.04.2018/2P.9C