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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).Nos.2752 & 2753 of 2018

Thangapandi ...Petitioner in W.P.(MD).No.2752 of 2018
S.Murugan ...Petitioner in W.P.(MD).No.2753 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 in both petitions

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

In both Writ Petitions

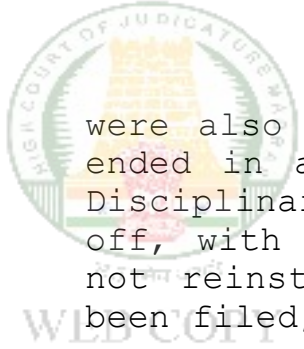
For Petitioners : Mr.A.Joel Paul Antony
For Respondents : Mr.M.Jameel Arasu

COMMON ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal

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 cases



were also initiated against the petitioners. The criminal cases 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 into service. Hence, these writ petitions have been filed, seeking the relief of reinstatement.

4.Mr.Jameel Arasu, learned Counsel appearing for the TASMAC, filed counter affidavit and opposed the prayer in these Writ Petitions.

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 culminated only 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 orders of punishment specifically read that the period of suspension shall be treated as one of the 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.

6.The respondents/Corporation are directed to reinstate the petitioners into service forthwith.

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

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

W.P. (MD) .Nos.2752 & 2753 of 2018
20.02.2018

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