



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2018

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.22357 of 2018

WEB COPY

D.Murugan

.. Petitioner

Vs.

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

2.The Deputy Collector/District Manager,
Tamil Nadu Marketing Corporation(TASMAC) Limited,
Thoothukudi,
Thoothukudi District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to reinstate the Petitioner into service as a Salesman under the respondents/Corporation by revoking the suspension order by considering the representation of the petitioner dated 19.3.2018, within the time specified by this Court.

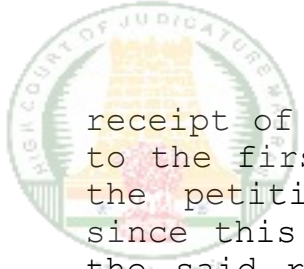
For Petitioner : Mr.V.Selva

For Respondents : Mr.B.Jameel Arasu
Standing Counsel**ORDER**

This Writ Petition has been filed seeking direction to the respondents to reinstate the Petitioner into service as a Salesman under the respondents/Corporation by revoking the suspension order by considering the representation of the petitioner dated 19.3.2018, within the time specified by this Court.

2.Mr.B.Jameel Arasu, learned Standing Counsel takes notice for the respondents. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the Petitioner is employed as Salesman in TASMAC Shop No.10077 situated at Subramaniamapuram, Srivaikundram Taluk, Thoothukudi District. While so, on 1.9.2012, during surprise inspection, the authorities have found some illegalities in the liquor bottles being mixed with water and sold to the general public and based on the complaint given by the Inspection authorities, the petitioner was suspended from service on 1.9.2012 by the third respondent. After issuance of charge-memo, enquiry was conducted and enquiry report was also submitted to the second respondent stating that the charges are proved. After



receipt of enquiry report, the second respondent sent recommendation to the first respondent stating that though the charges are proved, the petitioner's request for reinstatement shall be considered, since this is the first time. Since no orders have been passed on the said recommendation, the Petitioner has sent a representation, dated 19.3.2018 to the respondents requesting for reinstatement. Since the said representation did not evoke any response, the petitioner is before this Court with the relief stated supra.

4. The learned Standing Counsel appearing for the respondents would submit that the respondents are ready to consider and dispose of the representation submitted by the Petitioner in accordance with law, within the time stipulated by this Court.

5. In view of the above submission, the first respondent is directed to consider the representation of the Petitioner, dated 19.03.2018 and to pass appropriate orders on the same, taking note of the decision of the Apex Court in the case of Ajay Kumar Choudhary .vs. Union of India through its Secretary and another reported in 2015(3) CTC 119, within a period of two months from the date of receipt of a copy of this order, if there is no legal impediment to do so.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

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

2. The Deputy Collector/District Manager,
Tamil Nadu Marketing Corporation(TASMAC) Limited,
Thoothukudi,
Thoothukudi District.

+1CC to Mr.V.Selva, Advocate, SR.No.94000

+1CC to Mr.B.Jameel Arasu, Advocate, SR.No.94101

W.P.(MD) No.22357 of 2018
01.11.2018

VSN

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