

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 21.08.2018****CORAM:****THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN****W.P. (MD) No. 18206 of 2018**

Balamurugan

... Petitioner

Vs.

The Managing Director,
Pasumpon Muthuramalinga Thevar District,
Consumer and Co-Operative Store Ltd., (PAMCO),
Sivagangai District.

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to direct the respondent to call for the records pertaining to the proceedings of the respondent in Na.Ka.506/94/Po vithi, dated 08.02.1995 and to quash the same as illegal and direct the respondent to reinstate the petitioner.

For Petitioner	: Mr.S.T.Kumar
For Respondent	: Mr.R.Sethuraman, Spl.Government Pleader

O R D E R

The present Writ Petition has been filed praying to quash the proceedings of the respondent in Na.Ka.506/94/Po vithi, dated 08.02.1995, as illegal, and direct the respondent to reinstate the petitioner into service.

2. The petitioner had joined the service as Salesman in the respondent Co-operative Society Limited and during his tenure there was a confiscation of a mini lorry with 592 Kgs of Boiled rice, 432 Kgs of raw rice, 84 Kgs of Sugar, 782 Kgs of Wheat and 206 liters of Kerosene and that the petitioner has sold those items to private persons from the Fair Price Shop by fabricating bogus bill. The petitioner was proceeded with a departmental action and also a criminal case was initiated. However, the criminal case ended in acquittal on the only ground that the respondent has not issued any show-cause notice before imposing punishment and it is against the principles of natural justice and that there was no enquiry with the card holders.

3. The learned Special Government Pleader appearing for the respondent has not filed any counter, however contended that the impugned order was passed in the year 1985 and the writ petition is filed after 18 years and therefore, the writ petition is not maintainable.



4. The petitioner, if aggrieved, should have filed an appeal before the appropriate forum and that the appeal time itself is barred. That apart, there is a delay of 18 years in approaching the Court, that too, on technical grounds that there was no show-cause notice of punishment and the criminal case was ended in acquittal, cannot be a ground to interfere with the impugned order, more particularly, when the writ petition is not maintainable in the light of the Larger Bench Judgment of this Court in **Marappan K. v. The Deputy Registrar of Co-operative Societies, Namakkal**, reported in **[2006(4) CTC 689]**.

5. Moreover, the petitioner has not been honorarily acquitted from the criminal case. Only on benefit of doubt, the petitioner has been acquitted. In view of the same, the petitioner is not entitled to any relief.

6. In the result, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Managing Director,
Pasumpon Muthuramalinga Thevar District,
Consumer and Co-Operative Store Ltd., (PAMCO),
Sivagangai District.

+1cc to Mr.T.Kumar, Advocate Sr.No.79494
+1cc to Spl.Government Pleader Sr.No.79848

MPK

VB/RSK/SAR/11.10.2018/2P/4C

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