



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

WP.Nos.14250 to 14252 of 2015

P.Balaji
S/o.Mr.K.Palanisamy

...Petitioner
(in WP.No.14250 of 2015)

K.Karthik Raja
S/o.Mr.Kulandaivel

...Petitioner
(in WP.No.14251 of 2015)

K.K.Jaganathan
S/o.Mr.S.Kandasamy

...Petitioner
(in WP.No.14252 of 2015)

Vs.

1.The Senior Regional Manager

Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Salem Region, Salem.

2.The District Manager / Deputy Collector

Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Namakkal.

...Respondents in all WPs

Writ Petition Nos.14250 to 14252 of 2015 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the proceedings of the 2nd respondent in Na.Ka.No.1138/B1/CV/2013 dated 23.03.2015 and quash the same in respect of the petitioners herein and consequently, direct the respondents herein to reinstate the petitioners with all consequential and attendant benefits.

For Petitioner : Mr.P.Athiveeraramapandian
(in all WPs)

For Respondents: Mr.K.Sathishkumar
(in all WPs)

C O M M O N O R D E R

These writ petitions have been filed for issuance of writ of certiorarified mandamus calling for the proceedings of the 2nd respondent dated 23.03.2015 in Na.Ka.No.1138/B1/CV/2013 and quash the same in respect of the petitioners herein and consequently, directing the respondents herein to reinstate the



petitioners with all consequential and attendant benefits.

2. When the matter is taken up for hearing, it is represented by the respondent-Corporation that the issue raised in these writ petitions has already been considered and decided by this Court on 02.04.2019 in W.P.No.28574 of 2014. The relevant portion of the said order reads as follows:

"6. At this juncture, the learned Standing Counsel appearing for the TASMAL would submit that by recording the undertaking affidavit of the petitioner dated 21.03.2019, necessary orders may be passed.

7. In view of the above submissions and also considering the fact that while passing impugned order, the Authority concerned did not take note off the denial made by the petitioner against the allegations, and that taking note of the affidavit of undertaking filed by the petitioner, dated 21.03.2019, this Court is inclined to pass the following order:-

(i) the impugned dismissal order passed by the third respondent, dated 30.09.2013 which was also confirmed by the second respondent, dated 31.07.2014 are liable to be set aside, accordingly, they are set aside;

(ii) The third respondent is directed to reinstate the petitioner within a period of two weeks from the date of receipt of a copy of this order.

(iii) It is made clear that the petitioner is not entitled for any backwages and any other monetary benefits during the period of break-in-service, as per his undertaking affidavit dated 21.03.2019, i.e., from the date of suspension till the date of the order to be passed by the third respondent."

3. The petitioners have also filed their undertaking affidavits stating that they will not commit any kind of irregularities, which will cause bad reputation to the respondent-Corporation and they will not claim any back-wages and other monetary benefits from the respondent-Corporation.

4. In view of the above undertaking, these Writ Petitions are disposed of, on the same line in terms of the previous order of this Court dated 02.04.2019 passed in W.P.No.28574 of 2014.



It is made clear that there shall not be any break-in-service for the purpose of terminal benefits; but there will be break-in-service for claiming any seniority and other monetary benefits. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

mk

To

- 1.The Senior Regional Manager
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Salem Region, Salem.
- 2.The District Manager / Deputy Collector
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Namakkal.

+3cc to Mr.P.Athiveeraramapandian, Advocate, S.R.No.65081 to 65083
+1cc to Mr.K.Sathish Kumar, Advocate, S.R.No. 65130

W.P.Nos.14250 to 14252 of 2019

SV(CO)
GN(06/08/2019)