

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P..No.28316 of 2015
and
MP No.1 OF 2015

S.Raju

... Petitioner

.Vs.

1. The Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Rep. by its Managing Director,
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Rep. by its Senior Regional Manager,
Salem Region,
Salem-16.

3.The Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Rep. by its District Manager,
Dharmपुरi-5.

... Respondents

Prayer:writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified mandamus to call for the records relating to the order of the first respondent dated 23.07.2015 in Se.Mu.Na.Ka.No.R-1/7493/2015, confirming the order of the second respondent dated 18.12.2013 in Se.Mu.No.382/2013/E and the order of the third respondent dated 31.08.2012 in Na.Ka.No.297/2012/Si.Vi.2 and quash the same and consequently, direct the respondents to reinstate the petitioner in service as a Salesman in the TASMAC Wine Shop with continuity of service and with all other attendant and monetary benefits applicable to him.

For Petitioner : Mr.G.Krishnakumar
For Respondents : Mr.N.Damodaran

O R D E R

The petitioner is aggrieved against the order of the first respondent dated 23.07.2015, confirming the order of the second respondent dated 18.12.2013 and the order of the third respondent dated 31.08.2012 in dismissing the petitioner from service. Consequently, the petitioner seeks for reinstatement into service as a Salesman in the TASMAC Wine Shop.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The petitioner was working as a Salesman in the TASMAC Wine Shop. He was issued with a charge memo dated 27.12.2013 followed by passing an order of termination dated 31.08.2012 by the third respondent. The petitioner preferred an appeal before the second respondent, who in turn dismissed the appeal on 18.12.2013. Further appeal preferred before the first respondent was also rejected by the impugned order. Hence, the present writ petition is filed before this Court.

4. Upon a bare perusal of the impugned order, this Court is satisfied to set aside the same and remit the matter back to the first respondent only on the ground of non application of mind. It is evident from the perusal of the impugned order that the first respondent, except extracting the history of the case and the explanation submitted by the petitioner, has not discussed any of the facts and circumstances and given his independent reasons and findings warranting confirmation of the termination order. On the other hand, the first respondent has simply rejected the revision by a single line observation that the charges levelled against the petitioner were found proved.

5. Needless to say that the Revisional Authority also being the fact finding Authority, is bound to consider the facts and circumstances and the grounds raised in the revision and thereafter, pass order in the revision disclosing the findings and reasons in support of the conclusion arrived at by the Revisional Authority. Simply stating the conclusion alone is not sufficient to hold the application of mind by the Revisional Authority in the absence of his independent reasonings and findings.

6. As I find that the present impugned order lacks those reasonings and findings, this writ petition is allowed, without expressing any view on the merits and the contentions raised by both parties, and the impugned order is set aside. Consequently, the matter is remitted

back to the first respondent to consider the revision filed by the petitioner and pass a speaking order on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vri
To

- 1.The Managing Director,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road,
Egmore, Chennai 600 008.
- 2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Salem Region,
Salem-16.
- 3.The District Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Dharmपुरi-5.

W.P.No.28316 of 2015

ev (CO)
A.SK(08/05/2019)

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