

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.11.2019

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.9826 of 2013

R.Sengottuvelu

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Marketing
Corporation Ltd, CMDA Tower II,
IV floor, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing,
Corporation Ltd, (Selam region),
Salam.

3.The District Manager,
Tamil Nadu State Marketing,
Corporation Ltd., (Selam region),
Namakkal.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the proceedings of the 2nd respondent in Na.Ka.No.371/2008/E dated 07.08.2008 conforming the order passed by the 3rd respondent in Na.Ka.No.749/2004/B2 dated 1.12.2004 and quash the same in respect of the petitioner herein and consequently direct the respondents herein to reinstate the petitioner with all consequential and attendant benefits.

For Petitioner : Mr.P.Athi Veera Rama Pandian

For Respondents: Mr.K.Sathish Kumar,
Senior Counsel for RR1 to 3

O R D E R

The instant writ petition is one for a writ of Certiorarified Mandamus, calling for the proceedings of the 2nd respondent in Na.Ka.No.371/2008/E dated 07.08.2008 confirming the order passed by the 3rd respondent in Na.Ka.No.749/2004/B2 dated 1.12.2004 and quash the same in respect of the petitioner herein and consequently direct the

respondents herein to reinstate the petitioner with all consequential and attendant benefits.

2.The facts in brief are that the petitioner was working as a salesman in a rental outlet of the Tamil Nadu State Marketing Corporation Ltd., and he was given a consolidated pay of Rs.2000 per month. On 29.11.2004, a flying squad visited the retail shop and it was found that the alcohol being sold was adulterated. The petitioner was dismissed from service without even being issued a show cause notice. The order terminating the services of the petitioner is under challenge in the instant writ petition.

3.Heard, the learned counsel for both sides.

4.The learned counsel for the petitioner states that similarly placed persons have filed writ petitions before this Court and have got orders in their favour. He has produced a copy of the order dated 23.08.2010 in W.P.No.19239 of 2010, wherein, this Court after considering the facts of the case has held as under:

"The impugned Orders are, therefore, liable to be set aside. Accordingly, these writ petitions are allowed. The impugned orders are set aside and the respondents are directed to reinstate the petitioners into service, within four weeks from the date of receipt of a copy of this Order. However, it will not preclude the respondents from initiating any disciplinary proceedings, if the petitioners are guilty of any misconduct, on account of which, their services were terminated by the orders impugned in these writ petitions. There shall be no order as to costs. Consequently, M.P.Nos.1 and 2 of 2010 are closed."

5.The learned counsel for the respondents does not dispute this fact stated by the learned counsel for the petitioner.

6.In view of the above, the writ petition is allowed in terms of the order dated 23.08.2010. The order terminating the services of the petitioner is set aside and the respondents are directed to reinstate the petitioner within a period of six weeks from the date of receipt of a copy of this Order. However, as stated this Order will not preclude the respondents from initiating any disciplinary proceedings, if the petitioner is guilty of any misconduct, on account of which, his services were terminated. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

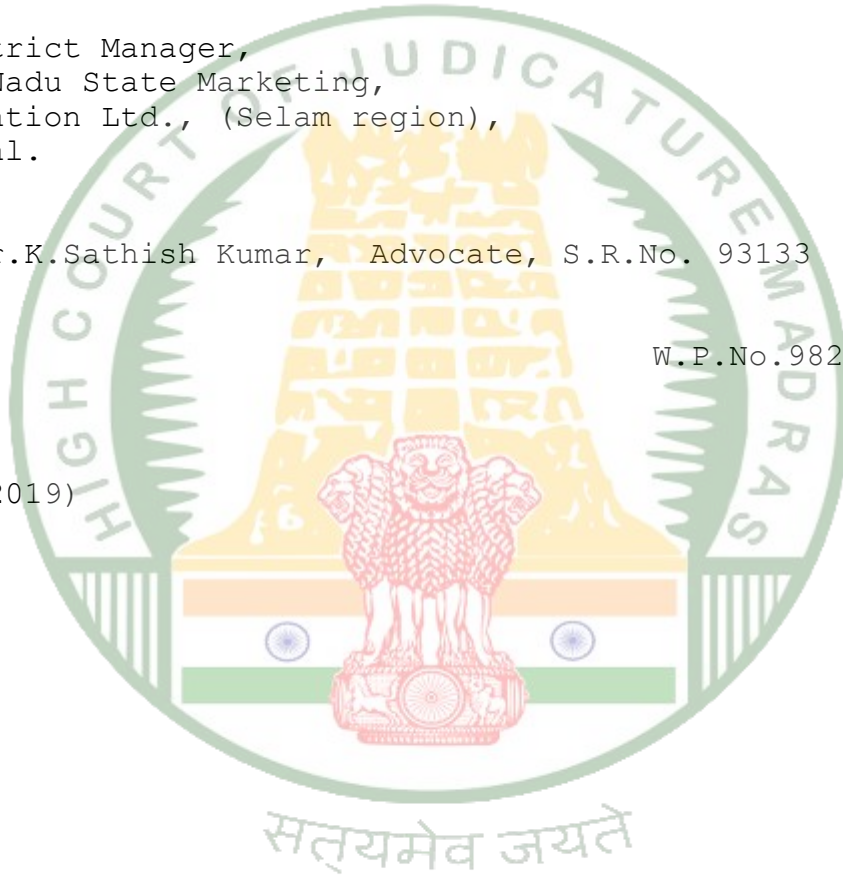
To

- 1.The Managing Director,
Tamil Nadu State Marketing
Corporation Ltd, CMDA Tower II,
IV floor, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 2.The Senior Regional Manager,
Tamil Nadu State Marketing,
Corporation Ltd, (Selam region),
Salam.
- 3.The District Manager,
Tamil Nadu State Marketing,
Corporation Ltd., (Selam region),
Namakkal.

+1cc to Mr.K.Sathish Kumar, Advocate, S.R.No. 93133

W.P.No.9826 of 2013

RR(CO)
GN(20/12/2019)



WEB COPY