

W.P.No.16990 of 2019
and
W.M.P.No.16552 of 2019

M.DHANDAPANI, J.

Today, this Writ petition is listed under the caption "for being mentioned" at the instance of Mr.B.K. Girish Neelakantan, learned counsel for the petitioner.

2.The learned counsel for the petitioner, states that in the order dated 01.11.2019 made in W.P.No.16990 of 2019 and W.M.P.No.16552 of 2019 in Para No:2 there is some correction and accordingly prays for appropriate orders.

3. In view of the above, the paragraph No.2 in the order dated 01.11.2019 made in W.P.No.16990 of 2019 and W.M.P.No.16552 of 2019 to be read as follows:

"2. when the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that the issue involved in the present writ petition has already

been considered and decided by this Court in W.A.No.250 of 2017 dated 18.06.2018: The relevant portion of the said Judgment read as follows:

During the course of hearing of this appeal, the learned counsel appearing for the appellant Mr.B.K. Girish Neelankantan, was directed to ascertain, as to whether, the appellant is willing to pay his share of the penalty imposed, i.e 1/4th of the sum of Rs.2,81,403/- (Rs.2,70,580.00 + Rs.10,823.00). Upon the instructions, the learned counsel appearing for the appellant would submit that the appellant is ready and willing to pay 1/4th of the penalty imposed, which works out to **Rs.1,18,277/-** Taking note of the above submission made by the learned counsel and the fact that the original order of punishment imposed by the disciplinary authority, viz., the District Manager of the Tamil Nadu State Marketing corporation, Uthagamandalam was only a direction to pay a fine amount, we are of the considered opinion that the appellant should be given opportunity

to pay his share of the fine amount which works out to **Rs.1,18,277.**

6.The leaned counsel appearing for the appellant seeks some time for payment of fine amount. The find amount as fixed above, i.e **Rs.1,18,277/-** shall be paid within a period of twelve (12) weeks from the date of receipt of copy of this order, on such payment the respondent will re-employ the appellant in the post occupied by him, before the order dated in the post occupied by him, before the order dated 29.01.2016 came to be passed. It is made clear that the appellant will not be entitled to claim any monetary benefits for the period between the date of suspension to the date of re-employment."

3.All other observations in the order dated 01.11.2019 made in W.P.No.16990 of 2019 and W.M.P.No.16552 of 2019 shall remain intact. Registry is directed to carry out the necessary corrections and re-issue copy of the order.

16.12.2019

smn

1/10

Note: **The Registry is directed to re-issue
the order copy on 17.12.2019**

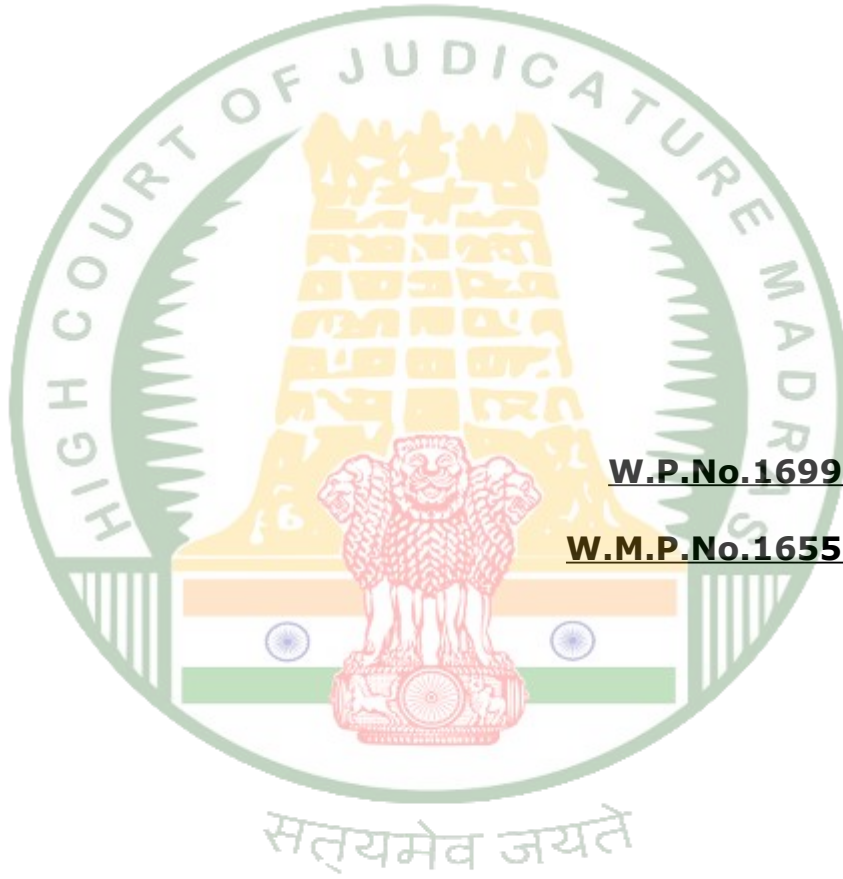


WEB COPY

W.P.No.16990 of 2019
and W.M.P.No.16552 of 2019

M.DHANDAPANI, J.

smn



W.P.No.16990 of 2019
and
W.M.P.No.16552 of 2019

WEB COPY

16.12.2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16990 of 2019
and W.M.P.No.16552 of 2019

T.Rajan

... 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, (Coimbatore region),
Coimbatore

3. The District Manager,
Tamil Nadu State Marketing
Corporation Ltd,
Udhagamandalam,
Nilgiris District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus, calling for the entire records

which culminated in issuing the proceedings in Na.Ka.62/2015 A4 dated 29.01.2016 on the file of the third respondent and Se.Mu.Na.Ka.No.R1/24752/2016 dated 22.05.2017 on the 1st respondent, and quash the same in respect of the petitioner herein and consequentially direct the respondents herein to reinstate the petitioner with all consequential and attendant benefits.

For Petitioner :: Mr.B.K.Girish Neelakantan

For Respondents :: Mr.K.Sathish Kumar
Standing Counsel for TASMAC

ORDER

The case of the petitioner was a TASMAC shop supervisor in the respondent's shop no. 8403. Suddenly, the 2nd respondent conducted surprise inspection on 18.05.2019 & 19.05.2019 and found shortage of Rs.5,41,159/-. Pursuant to the inspection, the petitioner and other staff members were suspended from service by the 3rd respondent. On 15.07.2019, the 3rd respondent had issued charge to the petitioner and other employees. Subsequently, the shortage amount was repaid in four instalments. The District Manager, Tamil Nadu State Marketing, Uthagamandalam/3rd respondent by his proceedings dated 14.12.2019 directed the petitioner and other employees to pay 50% of the shortage amount as penalty and interest. Since the petitioner and other staff members failed to pay the same, the 3rd respondent passed an order of dismissal as against the petitioner and other staff members on 29.01.2020, the 1st respondent by his order dated 22.05.2017, confirmed the same, which is impugned in this writ petition. Challenging the same, the present

writ petition is filed.

2. When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that the issue involved in the present writ petition has already been considered and decided by this Court in W.A. No.250 of 2017 dated 18.06.2018. The relevant portion of the said judgment reads as follows;

“ 5. During the course of hearing on this appeal, the learned counsel appearing for the appellant Mr.B.K.Girish Neelakantan, was directed to ascertain, as to whether, the appellant is willing to pay his share of the penalty imposed, i.e. 1/4th of the sum of Rs.2,81,403/- (Rs.2,70,580.00 + Rs.10,823.00). Upon the instructions, the learned counsel appearing for the appellant would submit that the appellant is ready and willing to pay 1/4th of the penalty imposed, which works out to Rs.70,351/-. Taking note of the above submission made by the learned counsel and the fact that the original order of punishment imposed by the Disciplinary Authority, viz. the District Manager of the Tamil Nadu State Marketing Corporation, Uthagamandalam was only a direction to pay a fine amount, we are of the considered opinion that the appellant should be given an opportunity to pay his share of the fine amount which works out to Rs.70,351/-.

6. The learned counsel appearing for the appellant seeks some time for payment of fine amount. The fine amount as fixed above, i.e. Rs.70,351/- shall be paid within a period of twelve (12) weeks from the date of receipt of a copy of this order, on such payment the respondent will re-employ the appellant in the post occupied by him, before the order dated 29.01.2016 came to be passed. It is made clear that the appellant will not be entitled to claim any monetary benefits for the period between the date of suspension to the date of re-employment."

M.DHANDAPANI,J.

ak

In view of the above, the present writ petition is also disposed of, on the same line in terms of the Judgment of this Court in W.A. No.250 of 2017 dated 18.06.2018. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

01.11.2019

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-speaking Order
ak

To

1.The Managing Director,

1/10

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, (Coimbatore region),
Coimbatore

3. The District Manager,
Tamil Nadu State Marketing
Corporation Ltd,
Udhagamandalam, Nilgiris District.



WEB COPY