

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.19249 of 2019

K.Rajendran

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
4th Floor, CMDA building, Tower -II,
Chennai- 600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
56, Bhirunthavanam Salai,
Azhagapuram, Salem-16.

3.The District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Erode District,
Erode.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to reinstate the petitioner into service as per the recommendation made by the third respondent in proceedings Na.Ka.No.1860/2011/R-6, dated 27.09.2016 with all benefits.

For Petitioner : Mr.A.Manojkumar

For Respondents 1-3: Mr.K.Sathish Kumar,
Standing Counsel

O R D E R

This petition is filed for the issuance of Writ of Mandamus directing the respondents to reinstate the petitioner into service as per the recommendation made by the third respondent in proceedings Na.Ka.No.1860/2011/R-6, dated 27.09.2016 with all benefits.

2. The case of the petitioner is that he was appointed by the respondents as Supervisor in contractual basis. Further he was posted on duty as a Assistant in R-6, Electricity Charges unit, District Manager Office, Erode. While so, one Arumugam, Supervisor of TASMAC shop had made an application for the payment of electricity charges of his shop and hence the third respondent had directed the petitioner to discharge the amount immediately. According to the petitioner, the said transaction was alleged as bribe as if he demanded bribe from the said Arumugam for discharging his official duty. An additional charge was also framed against him that one Thangavel, Salesman of TASMAC, had alleged that the petitioner went to audit his shop and had taken away a MC Brandy - 750 ml worth about Rs.285/- without paying any amount. Hence, the petitioner was dismissed from service by the third respondent vide proceedings dated 29.02.2012. Later, the petitioner has made an explanation regarding the same that they are baseless charges. The third respondent, after considering the petitioner's explanation, denied to accept the explanation and imposed a fine of Rs,3,000/- and the petitioner had also remitted the fine amount.

3. The grievance of the petitioner is that though he remitted the fine amount, there was no reply from the third respondent regarding reinstatement of his service. A case was filed against the petitioner in C.C.No.44 of 2013 before the Judicial Magistrate II, Erode for the offences under Section 379 IPC and the Court has acquitted the petitioner from the charge. Later, the petitioner has made a representation to the third respondent on 16.08.2016 for reinstatement of service. The third respondent recommended the first respondent regarding the same. Since there is no reply from the first respondent, the petitioner had sent another representation to the respondents, dated 20.03.2019. Till date, the same is pending consideration before the first respondent. Hence, the petitioner has filed the present Writ Petition.

4. The learned counsel for the petitioner would submit that without going into merits of the case since the representation made by the petitioner has been pending without

any progress it would suffice if this Court directs the respondents to consider and dispose of the representation made by the petitioner in accordance with law.

5. Considering the facts and circumstances of the case, without going into the merits of the case, the respondents are directed to consider and dispose of the representation, dated 20.03.2019, made by the petitioner in accordance with law and on merits, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn
To

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Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Erode District,
Erode.

+1cc to Mr.A.Manoj kumar, Advocate SR.96814
+1cc to Mr.K.Sathishkumar, Advocate SR.95991

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RGN(CO)
CB(28/01/2020)