



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.21054 of 2019

and

W.M.P. (MD) Nos.17684 and 17685 of 2019

M.Rajasekaran

... Petitioner

-Vs-

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
Madurai-20.

2.The Sub Collector / District Manager,
Tamil Nadu State Marketing Corporation Limited,
Sivagangai District, Sivagangai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the second respondent herein in Na.Ka.No.V2/1006/3/2016, dated 30.08.2016 and quash the same and consequently, direct the respondents herein to reinstate the petitioner into service with all attendant and consequential benefits with due regards to the petitioner seniority.

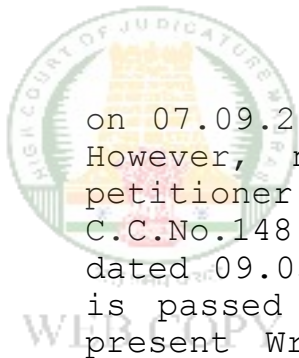
For Petitioner : Mr.M.Prabhu
For Respondent : Mr.H.Arumugam

ORDER

The present Writ Petition is filed, challenging the order of dismissal dated 30.08.2016, issued by the second respondent.

2.According to the petitioner, while he was working as Salesman, at the time of inspection conducted by the Special Audit Committee, shortage of fund of Rs.6,91,680/- (Rupees Six Lakhs Ninety One Thousand Six Hundred and Eighty Only) was found. Based on the report of the Committee, the petitioner was suspended from service on 27.05.2013, by the second respondent and he was issued with a charge memo, by the proceedings of the second respondent, dated 27.10.2014. The disciplinary proceedings were initiated against the petitioner and a criminal case was also registered against him. Not being satisfied with the explanation submitted by the petitioner, the second respondent, by the proceedings dated 30.08.2016, has dismissed the petitioner from service.

3.The learned counsel appearing for the petitioner submitted that the petitioner has filed an appeal before the first respondent



on 07.09.2016, challenging the order of dismissal dated 30.08.2016. However, no order was passed in the appeal. Meanwhile, the petitioner was acquitted, by the judgment dated 30.04.2019, made in C.C.No.148 of 2014. Therefore, the petitioner gave representation, dated 09.05.2019, to the respondents. However, till date, no order is passed thereon. Hence, the petitioner has come out with the present Writ Petition, challenging the order of dismissal dated 30.08.2016, issued by the second respondent.

4.Heard Mr.M.Prabhu, learned counsel appearing on behalf of the petitioner and Mr.H.Arumugam, learned counsel, who takes notice on behalf of the respondents.

5.From the impugned order, it is stated that if the petitioner is aggrieved by the said order, he can challenge the same, by way of an appeal to the first respondent, within 30 days from the date of receipt of the impugned order. According to the learned counsel appearing for the petitioner, the petitioner has filed an appeal to the first respondent on 07.09.2016. In view of the appeal provision, the present Writ Petition is not maintainable and therefore, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

Myr

+1CC TO MR.H.ARUMUGAM, Advocate Sr. No. 90989

W.P. (MD) No.21054 of 2019
01.10.2019

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