

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :14.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.29443 OF 2013

G.Nala Chakravarthy

.. Petitioner

- Vs -

1. The Managing Director,
TASMAC, 4th Floor,
CMDA Tower II, Egmore,
Chennai 600 008.
 2. The Senior Regional Manager,
TASMAC, Chennai Region,
Chennai 600 002.
 3. The District Manager,
TASMAC, SIDCO Industrial Estate,
29, 30 Kakalur
Thiruvallur Taluk,
Thiurvallur District.
- .. Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified Mandamus, to call for the records relating to the proceedings of the 1st respondent vide Na. Ka. No. R1/14184/2013 dt 10.10.2013 and quash the same and direct the 1st respondent herein to reinstate the petitioner into service with all the back wages.

For Petitioner : Mr.A.R.Suresh for
M/s.A.Rajendiran

For Respondents : Mr.S.Sathiskumar

ORDER

This writ petition has been filed by the petitioner to call for the records relating to the proceedings of the 1st respondent vide Na.Ka.No.R1/14184/2013 dt 10.10.2013 and quash the same and direct the 1st respondent herein to reinstate the petitioner into service with all the back wages.

2.The case of the petitioner is that the petitioner was appointed as Salesman for TASMAL shop No.9028, CTH Road, Sevvapatti, Thiruvallur District under the 3rd respondent herein at Thiruvallur District. On 03.03.2012 , a raid was conducted by the Prohibition Enforcement Wing, Tiruvallur and in the raid, Rum bottles were seized which were adulterated and, a case was registered in Cr.No.142/2012 against the petitioner and three other persons. The petitioner was placed under suspension on 15.03.2012, by the 3rd respondent herein and thereafter vide proceeding Na.Ka.NO.A2-123A-2012, the 3rd respondent terminated the petitioner from service. The petitioner sent a detailed representation on 15.06.2013 in the form of Appeal to the 2nd respondent herein. In the meanwhile, this Court, in W.P.No.13345/2013, dated 03.06.2013, filed by the petitioner in which the petitioner was directed to prefer appeal against the order of 3rd respondent. On appeal being filed, the 2nd respondent herein in his proceedings dated 01.07.2013, dismissed the appeal filed by the petitioner. Against the said dismissal, the petitioner filed a Revision petition before the 1st respondent which was dismissed vide order 10.10.2013 confirming the order passed by the 2nd respondent. Thereby left with no other option the petitioner filed this petition before this Court.

3.Learned counsel appearing for the petitioner submitted that even the charge memo itself is wrong. The respondents issued a charge memo on the ground that the petitioner has misappropriated a sum of Rs.59154/- and further alleged that the liquor bottles were adulterated and were sold to the general public, thereby causing loss to TASMAL. It is the submission of the learned counsel for the petitioner that though action was initiated against four persons, including the petitioner, viz., one supervisor and 3 salesmen, however the supervisor was reinstated in service by the order of this Court in WP.41335/2016, dated 27.02.2018. Hence this Court may issue a direction to the respondent to reinstate the petitioner in the light of the above order passed by this Court.

4.Learned counsel appearing for official respondent did not dispute the fact submitted by the learned counsel for the petitioner. However, it is submitted that this Court may permit the petitioner to make a representation to the 3rd respondent along with a copy of the order dated 27.02.2018 passed in W.P.No.41335 of 2016 so as to enable the 1st respondent to pass orders on merits.

5.Heard the submissions advanced by the learned counsel on either side and perused the materials available on record.

6. The facts in the case are not in dispute. Though action was initially initiated against four persons, however, in view of the order passed by this Court in W.P. No.41335/16, the supervisor was reinstated in service. The case against the petitioner herein as well as the petitioner in W.P. No.41335/16 are identical and such being the case, this Court is of the view that the petitioner should be allowed to make a representation before the 3rd respondent for consideration of the same in accordance with the orders passed in W.P. No.41335/16. In such view of the matter, fact that I am inclined to issue a direction to the petitioner to make a fresh representation before the 3rd respondent within a period of 2 weeks from the date of receipt of a copy of the order by annexing the order of this Court and on receipt of the said representation the 3rd respondent is directed to consider the same in the light of the order passed in WP. No.41335/2016, within a period of 3 months thereafter.

7. Accordingly this Writ petition is disposed of with the aforesaid observation and direction. However there shall be no order as to costs.

Sd/-

Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

jrs

To

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+1cc to Mr.A.R.Suresh, Advocate, S.R.No.29969

W.P.NO.29443 OF 2013

KJ(CO)
CS/10/12/2020