

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7129 of 2020

S.Venkatesan

...Petitioner

vs.

The Senior Regional Manager (SRM)
Tamil Nadu State Marketing Corporation (TASMAC Ltd)
LLA Building, 4th Floor
Anna Salai, Chennai - 600 006

...Respondent

Prayer:-

Writ petition filed under Article 226 of the Constitution of India for a writ of mandamus directing the respondent to pass final orders and dispose of the main appeal dated 12.12.2019 pending before the respondent herein within a reasonable time frame as fixed by this Hon'ble Court in accordance with law.

For Petitioner : Ms.B.Hema

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

O R D E R

Petitioner has come forward with the present writ petition for a direction to the respondent to pass final orders and dispose of the main appeal dated 12.12.2019 pending before the respondent herein, within a reasonable time frame as may be fixed by this court.

2. The case of the petitioner is that the audit inspection was done contrary to the usual procedure, in the absence of petitioner and vital records. It is the further case of the petitioner that he was not heard of or an intimation was given to him to be present during inspection and that the audit inspection was conducted in a hasty manner without taking into consideration of all relevant facts and previous reports. In the

earlier inspection which was conducted a few days earlier and even in that inspection, the shortage was only to the tune of Rs.75,000/-. It is the further case of the petitioner that the petitioner had never refused to return the books and records and as such, had kept them in his possession as his post requires to do so. The action of the respondent in lodging a criminal complaint based on concocted facts was only a coercive steps to threaten and force the petitioner to accept the liability and to remit the unreasonable sum of Rs.27 lakhs shown as shortfall and illegally tried to detain the petitioner within their office to force him to accept liability and agreed to pay.

3. In the meantime petitioner has filed a writ petition in W.P.No.32478 of 2013 before this Court seeking a direction to the respondents therein to permit him to rejoin duty as supervisor in TASMAR Retail outlet Shop No.4080 situated at Door No.1, Karunaiyar Street, Adambakkam, Chennai, or any other shop under the control of the respondent and the writ petition was disposed of on 12.9.2016 directing the respondent therein to conduct an enquiry by issuing a charge memo to the petitioner within a period of two weeks from the date of receipt of a copy of the order and further directed the respondent to complete the enquiry within a period of eight weeks.

4. Pursuant to the direction of this court, the respondent herein passed an order on 25.04.2018 vide Na. Ka. No.4080/ENQ/R1/2018 terminating the services of the petitioner. It is the further submission of the petitioner that the said order was received by him on 14.10.2019 with an inordinate delay of 18 months and immediately thereafter, he preferred an appeal before the respondent on 12.12.2019 and the same is pending and hence this writ petition for a mandamus to the respondent to dispose of the main appeal.

5. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

6. Considering the limited scope of the prayer and the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the respondent to dispose of the main appeal dated 12.12.2019 pending before the respondent herein within a period of 90 days from the date of receipt of a copy of this order, by affording an opportunity of personal/virtual hearing to the petitioner.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

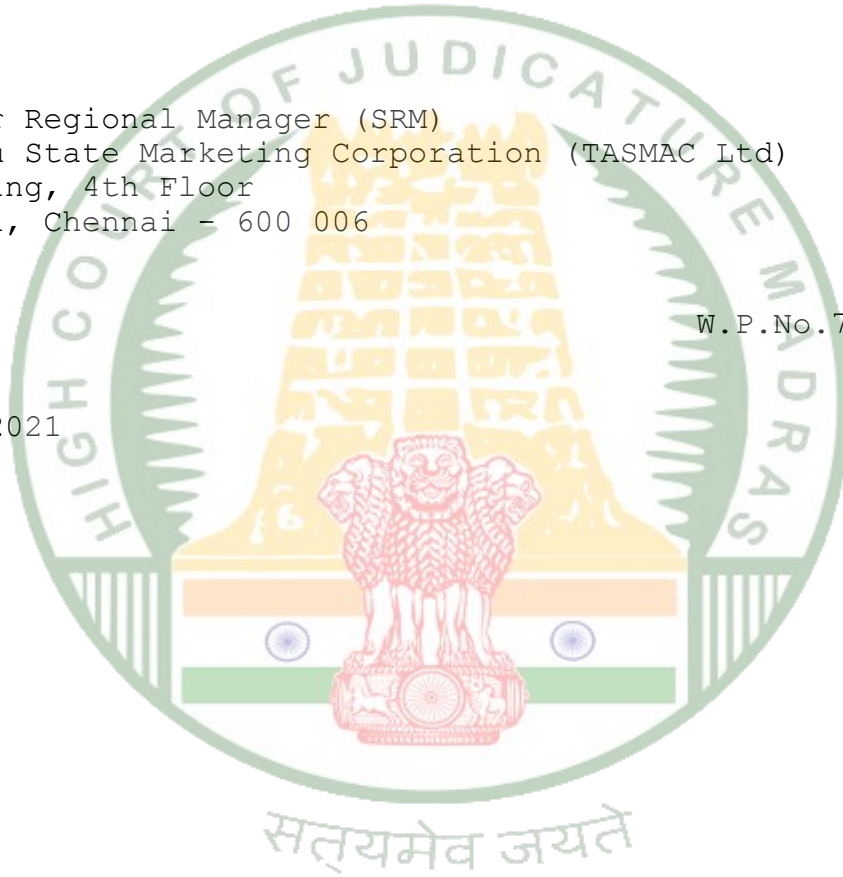
(Asr)

To :

The Senior Regional Manager (SRM)
Tamil Nadu State Marketing Corporation (TASMAC Ltd)
LLA Building, 4th Floor
Anna Salai, Chennai - 600 006

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MG (CO)
CS/01/03/2021



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