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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 20081 of 2018

and

W.M.P. Nos. 23543 and 23544 of 2018

S.Ravi

...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,
Azhaapuram,
Salem - 16.
3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
IMFS Depot,
39/4, Filter Bed Road,
Vellore - 632 001.

...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of order of the First Respondent bearing proceedings in Se. Mu. No. R1/12784/2017 dated 16.11.2017 confirming the orders of the Second Respondent in Se. Mu. No. 6195/2015/A dated 23.12.2015 and the order of the Third Respondent in Se. Mu. Na. Ka. A2/926/C.V/2015 dated 16.10.2015 and quash the same and consequently direct the Respondents herein to reinstate thte Petitioner into service with all benefits.

For Petitioner : Mr. M.Manimaran

For Respondents : Mr. P.Arumuga Rajan,
Standing Counsel



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O R D E R

Heard Mr. M.Manimaran, Learned Counsel for the Petitioner and Mr. P.Arumuga Rajan, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner was working as a Supervisor in the service of the Respondents. A charge memo in Na. Ka. No. A2/926/C.V/15 dated 02.06.2015 was issued by the Second Respondent against the Petitioner in respect of certain irregularities committed by him and he was dismissed by Order No. Se. Mu. Na. Ka. A2/926/C.V./2015 dated 16.10.2015 passed by the Third Respondent. The appeal preferred by the Petitioner against that order was dismissed by the Second Respondent by Order in Se. Mu. No. 6195/2015/A dated 23.12.2015 and confirmed in review by Order in Se. Mu. Na. No. R. 1/12784/2017 dated 16.11.2017 passed by the First Respondent, which is assailed in this Writ Petition.

3. Learned Counsel for the Petitioner contends that in respect of another co-employee, viz., Sugumaran, who is similarly placed to the Petitioner, the First Respondent by Order in Se. Mu. Na. Ka. No. R1/14816/2016 dated 24.07.2017 has exonerated him from such penalty and the First Respondent has not even considered the same in the impugned order and discrimination has been meted out to the Petitioner in this case.

4. Having regard to the aforesaid submissions made, the impugned Order in Se. Mu. Na. No. R. 1/12784/ 2017 dated 16.11.2017 passed by the First Respondent is set aside and the matter shall be decided afresh by the First Respondent. It shall be incumbent upon the First Respondent to afford full opportunity of personal hearing to the Petitioner and after conducting the enquiry following the prescribed procedure shall pass a reasoned order dealing with each of the contentions raised including whether the benefits extended to the said Sugumaran in the Order in Se. Mu. Na. Ka. No. R1/14816/2016 dated 24.07.2017 would apply to the Petitioner, on merits and in accordance with law and communicate the decision to the Petitioner by 31.05.2022 under written acknowledgment.

In the result, the Writ Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

skr



To

1. The Managing Director,
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+1cc to Mr.M.Manimaran, Advocate, SR.NO.21620

W.P. No. 20081 of 2018

CA(CO)
KKV/15/06/2022