



WEB COPY



W.P.No.1380 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1380 of 2021

Rathinam

... Petitioner

Vs.

The District Manager,
TASMAC (Coimbatore North),
MSR Complex, Dayalan Street,
Goundampalayam, Coimbatore,
Tamil Nadu 641 030.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to reinstate the petitioner in his service as Salesman in TASMAC shop at Coimbatore with continuity of service and all other attendant benefits.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.K.Sathish Kumar, Standing Counsel

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondent to reinstate the petitioner in service as



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Salesman in TASMAC shop at Coimbatore with continuity of service and all other attendant benefits.

2. Heard Mr.P.R.Thiruneelakandan, learned counsel for the petitioner and Mr.K.Sathish Kumar, learned Standing Counsel for the respondent.

3. The petitioner was working as a Salesman in TASMAC shop No.2225 Coimbatore. During the surprise inspection conducted on 07.09.2017 by the District Manager, a shortage of sales collection to the amount of Rs.21,79,183/- was found out. A sum of Rs.13,29,303/- is determined as the penalty amount along with GST, for the shortage of sales collection found during the inspection. The said amount was directed to be paid by eight persons who were in-charge of the shop during the relevant point of time. The petitioner is one among them. Therefore, the petitioner was suspended with immediate effect from 08.09.2017 and he was denied employment thereafter.

4. The learned counsel for the petitioner submitted that since the



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petitioner and like others are temporary employees, they have been simply stopped from working in the shop. However, the co-employees of the petitioner have filed Writ Petitions in W.P.No.5548 of 2018 and W.P.No.14824 of 2019, wherein, the petitioners were directed to pay their respective shares of penalty and on such payment, the respondent was directed to reinstate them.

5. The learned counsel for the petitioner submitted that this petitioner has also paid his respective share of penalty and hence, the order of reinstatement should be granted to him as similar as that of the other petitioners who had already been reinstated.

6. The learned Standing Counsel for the respondent submitted that the petitioner has paid his respective share of penalty and hence similar order as that of the other persons can also be passed for reinstatement.

7. In view of the above submission made by the respective counsels, this Writ Petition is disposed and the respondent is directed to reinstate the petitioner in service, however without any monetary benefit



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for the time during which he was either suspended / stopped from work.

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So far as the service benefit is concerned, the petitioner is entitled to get the same as that of his co-employees. The respondent shall pass appropriate orders in this regard within a period of four weeks from the date of receipt of a copy of this order. No costs.

22.12.2023

Index : Yes/No

Internet : Yes

Speaking / Non-speaking

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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