



W.P.No.3779, 3780 & 5013 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.3779, 3780 & 5013 of 2016

and

W.M.P.Nos.3129, 3130 & 4371 of 2016

R.Pulendran

...Petitioner in all WPs

Vs

1.The Senior Regional Manager,
TASMAC Ltd.,
Coimbatore Region,
Kondamapalaiyam,
Coimbatore.

2.The District Manager/Deputy Collector,
TASMAC Ltd.,
Udhagamandalam,
The Nilagiris.

...Respondents in all WPs

PRAYER in W.P.No.3779 of 2016: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to his proceedings in Na.Ka.No.62/2015.A3 and quash the order dated 14.12.2015 and consequently direct the respondents to revoke the order of suspension



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dated 02.07.2015 and to permit the petitioner to join duty forthwith along with arrears of pay and all other benefits.

PRAYER in W.P.No.3780 of 2016: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to his proceedings in Na.Ka.No.62/2015 and quash the order dated 02.07.2015 and consequently direct the respondents to permit the petitioner to join duty forthwith along with arrears of pay and all other benefits.

PRAYER in W.P.No.5013 of 2016: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to his proceedings in Na.Ka.No.62/2015.A4 and quash the order dated 29.01.2016 and consequently direct the respondents to reinstate the petitioner to the post of Assistant Salesman along with entire back wages and all other attendant benefits.

(in all WPs)

For Petitioner : Mr.R.Sivakumar

For Respondents : Mr.K.Sathish Kumar



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COMMON ORDER

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Heard Mr.R.Sivakumar, learned counsel for the petitioner and Mr.K.Sathish Kumar, learned counsel for the respondents.

2. The petitioner, while serving as an Assistant Salesman in the shop of the respondent Corporation, was placed under suspension, through an order dated 02.07.2015, in contemplation of certain disciplinary action. Consequently, on 14.12.2015, the second respondent herein had imposed a penalty, calling upon the petitioner to forthwith deposit the penalty amount. Thereafter, on 29.01.2016, the second respondent had passed another order, dismissing the petitioner from service. Along with the petitioner, two other co-delinquents, namely the Supervisor and another Assistant Salesman, were also subjected to disciplinary action. Challenging these three orders of suspension, penalty and punishment of dismissal, all these writ petitions have been preferred by the petitioner.

3. Today, when the matter was called, the learned counsel for the respondents produced a copy of the proceedings of the second



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respondent dated 29.03.2016, whereby, the punishment order of dismissal from service was recalled and the petitioner was reinstated back into service.

4. The learned counsel for the petitioner also submitted that the petitioner is now serving in the TASMAC Shop as on date.

5. As such, the grievance of the petitioner has been met and therefore, no effective orders can be passed touching upon the orders of punishment and suspension, as well as the order imposing penalty.

6. In view of the decision taken by the second respondent herein to reinstate the petitioner back into service, his period of suspension, as well as the non-employment period, after the order of dismissal was passed, needs to be regulated as duty period.

7. In the light of above findings, the second respondent shall pass necessary orders, regulating the petitioner's period of suspension and the non-employment period, pursuant to the order of dismissal, as duty



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period, by extending all the service and monetary benefits. Such orders shall be passed within a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, all the writ petitions stand ordered. No costs. Consequently, connected miscellaneous petitions are closed.

23.01.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order
hvk

To

1.The Senior Regional Manager,
TASMAC Ltd.,
Coimbatore Region,
Kondamapalaiyam,
Coimbatore.

2.The District Manager/Deputy Collector,
TASMAC Ltd.,
Udhagamandalam,
The Nilagiris.



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M.S.RAMESH,J.

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