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W.P.No.23842 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.23842 of 2021

S.Selvam

... Petitioner

Vs.

- 1.The Director,
Department of Agriculture,
Tamil Nadu State Marketing Corporation Ltd (TASMAC),
Chennai.
- 2.The Senior Zonal Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Arakkonam, Vellore District.
- 3.The Senior Zonal Manager,
Tamil Nadu State Marketing Corporation Ltd (TASMAC),
Salem,
- 4.The District Manager,
Tamil Nadu State Marketing Corporation Ltd (TASMAC),
Arakkonam, Vellore District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records from the file of the fourth respondent relating to Se.Mu.Na.Ka.No.A2/1244/C.V/2015 dated 24.08.2015 terminating the petitioner from his service and quash the same and consequently to direct the



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fourth respondent to reinstate the petitioner into service.

For Petitioner : Mr.D.Thirumoorthy

For Respondents : Mr.K.Balakrishnan

ORDER

The petitioner has filed this writ petition seeking to call for the records from the file of the fourth respondent relating to Se.Mu.Na.Ka.No.A2/1244/C.V/2015 dated 24.08.2015 terminating the petitioner from his service and quash the same and consequently to direct the fourth respondent to reinstate the petitioner into service.

2. The case of the petitioner is that the petitioner was employed as salesman in TASMAL at Arakkonam District in the year 2014. The petitioner was terminated from service vide Se.Mu.Na.Ka.No.A2/1244/C.V/2015 dated 24.08.2015 by the fourth respondent, alleging on certain batches of liquor bottles, water had been added and in regard to the same, a complaint was lodged by the fourth respondent, before the PEW Ranipet Police Station. Subsequently, FIR in Crime No.295 of 2014 dated 16.08.2014 was registered for the offence under Section 24(A) of TNP Act r/w 420 of IPC. Hence, the petitioner made a



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representation denying all the allegations levelled against him. Thereafter, enquiry was conducted, but the investigation officer has failed to complete the investigation. Therefore, the petitioner has filed Criminal Original Petition in CrI.O.P.No.5657 of 2016, seeking direction to the investigation officer to complete the investigation in Crime No.295 of 2014 and to file its final report. This Court vide order dated 15.03.2016 allowed the petition with a direction to complete the investigation on or before 30.07.2016. But, the said order was not complied. Again, the petitioner has filed another petition in CrI.O.P.No.2217 of 2021 to quash the FIR.No.295 of 2014 and the same was allowed by this Court and thereby quashed the aforesaid FIR. However, no action was taken. Hence, the petitioner has come forward with the present writ petition to quash the termination order dated 24.08.2015.

3. Learned counsel for the petitioner submitted that the petitioner was temporary dismissed from service on 16.08.2014 and permanently terminated with effect from 25.08.2015 vide order dated 24.08.2015 in Se.Mu.Na.Ka.No.A2/1244/C.V/2015. Challenging the said order, the petitioner has preferred a statutory appeal dated 18.09.2018 before the second



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respondent/The Senior Zonal Manager and the same was pending till date.

Hence, he prayed this Court to issue a direction to the second respondent to consider the same and pass appropriate orders, within a time frame to be fixed by this Court.

4. Learned standing counsel appearing for the respondents has no objection for the said order being passed by this Court.

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

6. Considering the facts and circumstances of the case, this Court without going into the merits of the case, directs the second respondent to consider the pending statutory appeal dated 18.09.2018 preferred by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. This writ petition stands disposed of with the aforesaid observation and direction. No costs.



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Index : Yes/No
Speaking Order : Yes/No

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J.SATHYA NARAYANA PRASAD,J.

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