



WEB COPY



W.P.No.28201 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.28201 of 2021

Murugan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Head Office, CMDA Tower-II,
Egmore, Chennai – 600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Coimbatore District.

3.The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Erode District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to consider the petitioner's Appeal dated 06.10.2021 and disposed the appeal within the time period fixed by this Court.

For Petitioner : Mr.P.Vimalraj



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ORDER

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2. On 04.01.2022, one Mr.A.Sundaravadhanam, claimed to be the Standing Counsel for the respondents and took notice for the respondents. But till today, counter affidavits have not been filed on behalf of the respondents.

3. The case of the petitioner is that he was appointed as Salesman in the respondents Corporation on 26.11.2003 by the third respondent. On 26.11.2005, while he was working as Salesman in Retail Shop No.3421 at Phavani Taluk, Erode District, the third respondent conducted sudden inspection and it is found that one liquor bottle viz., Golconda Brandy 180 ml Batch No.259 dated 16.11.2005 was opened and contained less quantity and during the checking, it is also found that the alcohol was mixed with water and the third respondent issued charge memo to the petitioner on 28.11.2005 and suspended the petitioner, pending enquiry. After submission of the explanation by the petitioner, the enquiry officer was appointed on 03.10.2006. After receipt of the enquiry report, the third respondent has passed final order in proceedings in Na.Ka.No.33/2005/R3 dated 19.11.2006 dismissing the



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petitioner from service. Aggrieved by the same, the petitioner preferred an appeal before the second respondent on 10.06.2007.

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4. The grievance of the petitioner is that the said appeal is pending from the year, 2007 with the second respondent.

5. Learned counsel for the petitioner submits that even after submission of several reminders to the second respondent, the appeal is not disposed of. Having with no other option, the petitioner constrained to file this writ petition.

6. As there is no counter affidavits filed by the respondents, to know the status of the appeal whether, it is disposed of or pending, considering the submission of the learned counsel for the petitioner that the appeal is pending till date with the second respondent, in my view, it is appropriate to dispose of this writ petition to meet the interest of justice, directing the second respondent to dispose of the appeal within the stipulated time.

7. Accordingly, this Writ Petition is disposed of, with a direction to the second respondent to dispose of the appeal filed by the petitioner on 10.06.2007, within a period of four weeks from the date of receipt of copy of this order, if, that



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appeal is not yet disposed of.

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27.06.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

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BATTU DEVANAND, J.

AT

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