



WP(MD)No.15820 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.07.2023**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.15820 of 2023

B.Jayachandran

... Petitioner

/vs./

The District Manager / Deputy Collector,
Tamil Nadu State Marketing Corporation,
Thanjavur.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the petitioner representation dated 15.08.2022 and consequently direct the respondent to disburse the service benefits including monetary benefits and bonus amount for the period from 28.03.2018 to 01.10.2019.

For Petitioner : Mr.C.M.Arumugam

For Respondent : Mr.H.Arumugam



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ORDER

The present Writ Petition has been filed for a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 15.08.2022 and consequently direct the respondent to disburse the service benefits including monetary benefits and bonus amount for the period from 28.03.2018 to 01.10.2019.

2. By consent of both the parties, this Writ Petition is taken up for final disposal.

3. The petitioner was suspended from service on 28.03.2018 while he was serving as a Salesmen at the Retail Liquor Vending Shop under the Tamil Nadu State Marketing Corporation in Shop No.8044 at Irumputhalai, Papanasam Taluk, Thanjavur District. Now the petitioner is serving in Shop No.8126 at Thanjavur. As far as Irumputhalai, Papanasam Taluk TASMACH shop is concerned, it was functioning under the management of two supervisors and four salesmen including the petitioner and the petitioner has submitted that he had discharged his duties without any blemish. However, on 27.03.2018 when a surprise



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inspection was conducted by the respondent, the respondent found that a sum of Rs.7,02,230/- as short-fall and thereafter it was further alleged that the said amount was misappropriated by the petitioner and others thereby, fixing the responsibility as against all the persons, who worked in the said shop and they were all placed under suspension as per the order in Na.Ka.No.8044/A-1/2018 dated 28.03.2018 as passed by the respondent.

4. However, on the very next day, one of the supervisors, namely, R.Chandrasekaran accepted that he alone was responsible for the short-fall and accordingly on 28.03.2018 itself he remitted back the total short-fall amount to the bank account of the shop. Further he also disclosed the fact that except him no other was responsible for the short-fall and as a result of which, a domestic enquiry was conducted and all the statements were recorded. Thereafter, the suspension of the petitioner was revoked and he was reinstated on 01.10.2018 in the service of the respondent Corporation from 28.03.2018 to 01.10.2018. During the time the petitioner was placed under suspension, he did not receive any bonus for Diwali and service benefits for the period of 2017-2018. Hence he had sent a representation to the respondent on 15.08.2022 seeking relief to disburse the



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Index : Yes / No

Internet : Yes / No

NCC : Yes / No

BTR

To

The District Manager / Deputy Collector,
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Thanjavur.



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L.VICTORIA GOWRI, J.

BTR

Order made in
W.P.(MD)No.15820 of 2023

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03.07.2023