



WEB COPY



W.P.No.987 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.987 of 2022
and
W.M.P.Nos.1050 & 1052 of 2022

T.Venkatesan

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Petitioner

Vs

1. Tamil Nadu State Marketing Corporation,
Rep. by its Managing Director,
CMDA Tower-II,
4th Floor, Gandhi-Irwin Bridge Road,
Egmore, Chennai – 8

2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation,
Chennai Region-II,
4th Floor, L.L.A. Building,
735, Anna Salai,
Chennai – 2.

3. The District Manager (Thiruvallur West)
Tamil Nadu State Marketing Corporation,
G-29 and 30, Industrial Estate,
SIDCO Road,
Kakkalur,
Thiruvallur District – 602 003.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records



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pertaining to the third respondent order in Se.Mu.Ka.No.A2-4294-2010 dated 29.12.2010 in so far as the petitioner removal from service with effect from 30.12.2010 and the order in Na.Ka.No.3844/2010/A4 dated 22.11.2021 directing him to appear for enquiry, quash the same and direct the respondent to reinstate the petitioner with continuity of service, back wages and all other attendant benefits, by taking into account his honourable acquittal in the criminal case on the same set of charge and not to initiate or proceed further with the departmental enquiry on the same charge.

For Petitioner : Mr.V.Ajay Khose
For Respondents : Mr.K.Balakrishnan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order dated 29.12.2010 passed by the third respondent, thereby dismissed the petitioner from service and also summons dated 22.11.2021, thereby directed the petitioner to appear for enquiry.

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

3. The petitioner, while he was working as Supervisor in TASMACH retail shop, along with two other persons, had misappropriated money to the tune of Rs.7,08,000/-. Due to the said allegation, by an order



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dated 30.12.2010, he was removed from service. Pursuant to the same, he was arrested and remanded to judicial custody in Crime No.18 of 2011. After completion of investigation, a charge sheet has been filed for the offences under Sections 403, 409 read with 34, 109 of IPC and the same has been taken cognizance by the Trial Court in C.C.No.12 of 2012 on the file of the Judicial Magistrate No.I, Poonamallee. After ful-fledged trial, by a Judgment dated 12.02.2019, the petitioner was acquitted. Thereafter, the petitioner was served with a Summon dated 22.11.2021, thereby he was directed to appear for an enquiry to be held on 07.12.2021. Therefore, the petitioner approached this Court challenging both the removal order as well as the summons issued to the petitioner for enquiry. However, no interim order was passed by this Court and even then, due to pendency of the writ petition, the respondent did not serve the charge memo to the petitioner. The only contention raised by the petitioner is that having been acquitted by the Criminal Court, the petitioner was not reinstated into service and he was served with summons to appear for enquiry.

4. Considering the facts and circumstances of the case, the third respondent is directed to proceed with the disciplinary proceedings against the petitioner after serving a charge memo and proceed in accordance with law and



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complete the same within a period of twelve weeks from the date of receipt of a copy of this order. If charge memo is not served on the petitioner within the time stipulated by this Court, the third respondent is directed to reinstate the petitioner into service and proceed in accordance with law.

5. With the above direction, this Writ Petition stands disposed of.

Consequently, connected miscellaneous petitions are closed. No costs.

29.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

1. The Managing Director,
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Tamil Nadu State Marketing Corporation,
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G.K.ILANTHIRAIYAN. J.



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