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Writ Petition No.24985 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

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THE HON'BLE DR. JUSTICE D.NAGARJUN

Writ Petition No.24985 of 2015

N.Dhandayuthabani

...Petitioner

Versus

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Chennai – 600 008.

2.The Senior Regional Manager,
TASMAC Regional Office,
Salem – 636 016.

3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Vellore – 632 001.

...Respondents

Prayer: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent passed in his proceedings Se.Mu.Na.Ka.A2/947/CV/2011 dated 17.04.2011 as confirmed by the order of the 2nd respondent in Se.Mu.No.785/2011/E dated 26.08.2011 as confirmed by the order of the 1st respondent in his proceedings Na.Ka.No.8454/R1/2011 dated 03.06.2013 and to quash the same and directing the respondents to reinstate the petitioner in service with continuity of service, back wages and other attendant benefits within a time limit.



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For Petitioner : Mr.M. Padmanaban.R
For Respondents : Mr.G.K.Balakrishnan
Standing Counsel

ORDER

This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent passed in his proceedings Se.Mu.Na.Ka.A2/947/CV/2011 dated 17.04.2011 as confirmed by the order of the 2nd respondent in Se.Mu.No.785/2011/E dated 26.08.2011 as confirmed by the order of the 1st respondent in his proceedings Na.Ka.No.8454/R1/2011 dated 03.06.2013 and to quash the same and to direct the respondents to reinstate the petitioner in service with continuity of service, back wages and other attendant benefits within a time limit.

2. The petitioner/N.Dhandayuthabani, joined the 2nd respondent Corporation/The Senor Regional Manager, TASMACH Regional Office as salesman on 27.11.2003. On 27.01.2011, the District Manager TASMACH, Salem/the 3rd respondent inspected the shop No.11047 where the petitioner is working and found certain irregularities during the inspection. As per the order dated 10.11.2010, the petitioner was



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suspended along with other employees, alleging that he was found selling loose liquor to the Public on 27.01.2011, when surprise visit was made by the 3rd respondent. An enquiry was conducted in respect of alleged misconduct. The petitioner and other employees were asked to submit their explanations. It is submitted by the petitioner that no witness was examined, during the enquiry and that the petitioner was persuaded to accept the charges promising that he will be given back his employment. The inquiry was completed in violation of the principles of natural justice and subsistence allowance was also not paid, witnesses were not examined as per the proceedings Se.Mu.Na.Ka.A2/947/CV/2011 dated 17.04.2011, the petitioner was dismissed from service.

3. It is brought to the notice of this Court that in similarly placed circumstances, the other employees who were suspended along with the petitioner, have approached this Court and filed various writ petition Nos.28006 of 2014, 23320 of 2015, 27837 of 2015, 23358 of 2017, 26558 of 2018, 1212 of 2018, 33851 of 2018, 28443 of 2018, 24684 of 2019, 21512 of 2019 and 9129 of 2019 and all the writ petitions were allowed in part. While setting aside the impugned orders of dismissal the



matter was remanded back to the 2nd respondent, with a direction to reinstate the petitioner for fresh adjudication.

4. Learned counsel representing the 3rd respondent has submitted that many other employees who were similarly suspended to that of the petitioner have approached this Court, and filed writ petitions and that the said writ petitions were allowed directing the respondent to reinstate the petitioners therein. Learned counsel for the respondents submitted that the orders passed in W.P.No.9129 of 2019, may be passed in this writ petition.

5. Accordingly, this writ petition is disposed off and the order passed by the 3rd respondent in his proceedings Se.Mu.Na.Ka.A2/947/CV/2011 dated 17.04.2011 as confirmed by the order of the 2nd respondent in Se.Mu.No.785/2011/E dated 26.08.2011 as confirmed by the order of the 1st respondent in his proceedings Na.Ka.No.8454/R1/2011 dated 03.06.2013, are set aside and the matter is remanded to the third respondent for fresh adjudication strictly in accordance with law/Rules/Regulations and pending disposal of



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disciplinary proceedings, the 2nd respondent is directed to reinstate the petitioner forthwith, in case if he has not attained the age of superannuation. Further an undertaking shall be given by the Petitioner to the 2nd respondent to the effect that he will not indulge in such kind of illegal activities in future. The question of payment of back wages and conferment of attendant benefits shall be decided subject to the result of the enquiry proceedings. There shall be no order as to costs.

28.03.2024
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Speaking Order : Yes/No
Index Case : Yes/No
Neutral Citation : Yes/No
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DR.D.NAGARJUN , J.
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