



WEB COPY



W.P.No.20343 of 2018
& W.M.P.No.23894 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.01.2024

Coram:

THE HONOURABLE Mr. JUSTICE BATTU DEVANAND

W.P.No.20343 of 2018
& W.M.P.No.23894 of 2018

M.E.Sathiyan.

... Petitioner

/versus/

1. The Managing Director,
TASMAC, Head Office,
4th Floor, CMDA Tower,
Egmore, Chennai – 600 008.
2. The Senior Regional Manager,
TASMAC, Salem Zone Office,
Azhagappa Nagar,
Salem – 16.
3. The District Manager,
TASMAC,
No.12B, TNWHC Complex,
SIPCOT Ranipet,
Arakkonam District.

...Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to call for the records of the proceedings viz. (i) Se.Mu.No.4567/2015/A dated 15.3.2016 passed by 2nd respondent (ii) Se.Mu.Na.Ka.A2/81/C.V/2013 dated

Page No.1/7



W.P.No.20343 of 2018
& W.M.P.No.23894 of 2018

8.4.2015 (iii) Se.Mu.Na.Ka.A2/81/C.V/2015/A dated 15.12.2015 passed by the 3rd respondent (iv) Se.Mu.Na.Ka.No.R1/8091/2016 dated 26.10.2016 and quash the same by issuing a Writ of Certiorarified Mandamus and consequently direct the respondents to reinstate the petitioner in service with all service and monetary benefits.

For Petitioner : Mr.M.Padmanaban.

For Respondents : Mr.K.Balakrishnan.

ORDER

This Writ Petition has been filed against the order dated 15.03.2016 of the 2nd respondent in confirming the order of the 3rd respondent dated 15.12.2016 wherein the petitioner was removed from service permanently. The petitioner prays for quashment of the Appellate Authority order and order passed by the Original Authority directing for reinstatement of the petitioner into service with back wages and other attendant benefits.

2. The petitioner was working in the respondent/Corporation from the year 2003. Due to health problem, the petitioner was not able to attend the duty from 21.04.2013 to 03.06.2013. He submitted a medical certificate on 27.06.2014. But considering that the petitioner is absent from duty unauthorisedly, the 3rd



W.P.No.20343 of 2018
& W.M.P.No.23894 of 2018

respondent has initiated action against the petitioner and an order was passed on 15.12.2016 removing the petitioner from service permanently.

3. Aggrieved by the same, the petitioner has preferred an appeal before the 2nd respondent. The said appeal was dismissed by an order dated 15.03.2016. The petitioner preferred a revision petition before the 1st respondent and the same was also dismissed by an order dated 26.10.2016.

4. The learned counsel for the petitioner contends that the Original Authority, without considering the explanation submitted by the petitioner for the charges levelled against him, passed an order of removal from service and the Appellate and Revisional authority, also without considering all aspects in proper perspective, confirm the order of the original authority, which is illegal and unjust and sought to be set aside the same.

5. During the course of hearing, the learned counsel for the petitioner



W.P.No.20343 of 2018
& W.M.P.No.23894 of 2018

has placed reliance of the order dated 30.07.2018 in W.P.No.19394 of 2018, to substantiate his case.

6. The Learned Standing Counsel appearing for the respondents submits that in an identical circumstances, this Court passed orders for revisit/reconsider the punishment of removal order issued by the authorities. In view of the above circumstances and on careful consideration of the materials available on record, it appears that in an identical case in W.P.No.19394 of 2018 and batch, this Court in umpteen number of writ petitions directed the disciplinary authority to revisit the punishment and reinstate the delinquent salesman into service, but without any back wages and hence, necessary orders be passed as this Court may deem fit and proper.

7. A paragraph No.6 of the order in W.P.No.19394 of 2018, which is extracted herein under:-

“After hearing the learned counsel appearing for the parties and going through the materials on record, especially



WEB COPY



W.P.No.20343 of 2018
& W.M.P.No.23894 of 2018

the submissions made that in similar cases, this Court has directed the Disciplinary Authority to reconsider the punishment / penalty imposed, this writ petition stands disposed of at the stage of admission with a direction to the disciplinary authority to revisit / reconsider the punishment of removal imposed by any other suitable punishment as it may deem fit and proper in the facts and situations within a period of six weeks from the date of receipt of copy of this order. However, it is made clear that in the event of substitution of punishment by any other punishment, the petitioner shall not be entitled to any back wages for the period during which he remains out of duty.”

8. In view of the facts and circumstances of the case, in our considered view, it is appropriate to follow the same order in the interest of justice.

9. Accordingly, this Writ Petition is disposed of with a direction to the 3rd respondent to revisit/reconsider the punishment of removal from service imposed by any other suitable punishment as it may deem fit and proper in the facts and circumstances within a period of six weeks from the date of receipt of copy of this order. It is made clear that in the event of substitution of punishment by any other punishment, the petitioner shall not be entitled for any back wages for



W.P.No.20343 of 2018
& W.M.P.No.23894 of 2018

the period during which he remains out of duty. No costs. Consequently, connected

Miscellaneous Petition is closed.

23.01.2024

Index :Yes/No.

Internet :Yes/No.

Speaking Order/Non-Speaking order
bsm

Copy to:-

1. The Managing Director,
TASMAC, Head Office,
4th Floor, CMDA Tower,
Egmore, Chennai – 600 008.
2. The Senior Regional Manager,
TASMAC, Salem Zone Office,
Azhagappa Nagar,
Salem – 16.
3. The District Manager,
TASMAC,
No.12B, TNWHC Complex,
SIPCOT Ranipet,
Arakkonam District.

BATTU DEVANAND, J.

bsm



WEB COPY



W.P.No.20343 of 2018
& W.M.P.No.23894 of 2018

W.P.No.20343 of 2018
& W.M.P.No.23894 of 2018

23.01.2024