



WEB COPY



W.P.No. 7213 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7213 of 2024

1.D.Rajan

2.P.Natarajan

3.K.Saravanakumar

4.M.Suresh

.... Petitioners

Vs

1. The Managing Director,
TASMAC Ltd.,
CMDA – Tower-2,
Egmore, Chennai-8.

2. The Senior Regional Manager,
TASMAC Ltd.,
Coimbatore District.

3. The District Manager,
TASMAC Ltd.,
Nilgiris District,
Uthagaimandalam,
Nilgiris District.

..... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent herein to implement the order of the first respondent in Sa.Mu.Na.Ka.No.R1/1408/2022 dated 20.10.2023 and issue appropriate



W.P.No. 7213 of 2024

orders reinstating the petitioners in the post of Salesman in the Retail vending shop in Nilgiri District, Coimbatore Region.

For Petitioner : Mr.G.Punniakoti

ORDER

This Writ Petition has been filed for a direction directing the third respondent to implement the order passed by the first respondent dated 20.10.2023.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. The petitioners were working as Salesman in a retail liquor shop No.8253 of Nilgiris District. While being so, during audit, it is found that the sale proceeds to the tune of Rs.40,92,202/- had been misappropriated and not remitted to the bank by the Supervisor of the said shop. Therefore, by an order dated 15.05.2015, the petitioners were placed under suspension. After serving the charge memo, they were dismissed from service by an order dated 23.11.2018. Aggrieved by the same, the petitioners approached this Court by way of writ petition in W.P.No.380 of



W.P.No. 7213 of 2024

2019 and this Court, by an order dated 02.06.2020, directed the petitioners to file an appeal before the second respondent. Accordingly, they filed appeal and the same was also dismissed by the second respondent by an order dated 06.01.2022. Once again, aggrieved by the said Appellate order, the petitioners preferred revision before the first respondent.

4. In the meanwhile, the third respondent lodged a complaint as against the petitioners and the same has been registered in Crime No.3 of 2015 on the file of the Inspector of Police, District Crime Branch, for the offences under Sections 409, 465, 471, 420 and 120B of IPC. After completion of investigation, final report has been filed and the same has been taken cognizance by the Judicial Magistrate, Uthagamandalam. The Criminal Court acquitted the petitioners by Judgment dated 24.04.2023. Pursuant to the said Judgment, the first respondent passed an order on 20.10.2023 to reinstate the petitioners into service without continuity of service and without salary for the said period. So far the said order has not been complied with. Therefore, the petitioners submitted a representation on 04.01.2024.



W.P.No. 7213 of 2024

5. In view of the above, the third respondent is directed to pass appropriate orders to reinstate the petitioners, in view of the order passed by the first respondent dated 20.10.2023, within a period of four weeks from the date of receipt of a copy of this order.

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

No costs.

20.03.2024

Internet : Yes/No

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation : Yes/No

Lpp

To

1. The Managing Director,
TASMAC Ltd.,
CMDA – Tower-2,
Egmore, Chennai-8.

2. The Senior Regional Manager,
TASMAC Ltd., Coimbatore District.

3. The District Manager,
TASMAC Ltd.,
Nilgiris District,
Uthagaimandalam, Nilgiris District.

4/5



WEB COPY



W.P.No. 7213 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.7213 of 2024

20.03.2024