



WEB COPY



WP NO. 9302 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.12.2024**

CORAM

THE HONOURABLE MRS JUSTICE V.BHAVANI SUBBAROYAN

WP NO. 9302 of 2024

and W.M.P.No.10319 of 2024

Kesavan

...Petitioner

Vs

1.The Management
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Building, Egmore,
Chennai - 8.

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Thiruvallur West,
Thiruvallur.

3.Rajkumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the record of the 2nd respondent in his proceedings made in See.Moo.Ka.No.A2/215/2021 dated 17.03.2021 and quash the same and consequently direct the respondents 1 and 2 to reinstate the petitioner with all attendant benefits.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.K.Balakrishnan for R1 and R2
Standing Counsel
R3-served-no appearance



ORDER

Challenging the order passed by the second respondent in See.Moo.Ka.No.A2/215/2021 dated 17.03.2021 and to direct the 1st and 2nd respondents to reinstate the petitioner with all attendant benefits, the present writ petition is filed.

2. The case of the petitioner is that the petitioner was appointed as a Supervisor of TASMACH Shop No.8729, Thiruvallur and the 3rd respondent is working in TASMACH Shop at Puttur. When the petitioner discharging his function as Supervisor in respect of both shops, there was no adverse remarks against the petitioner. While so, on 13.03.2021, a person claiming to be the relative of 3rd respondent handed over the key in respect of Shop No.9029 to the petitioner stating that the shop had not been opened. Immediately, the petitioner informed the same to the 2nd respondent who instructed the petitioner to take another staff along with him and open shop No.8729. The petitioner found that there was no stock in the shop and it transpired that the 3rd respondent misappropriated stock from the shop and he was arrested by the police on 13.03.2021. Upon verification, the stock value to the tune of Rs.11,07,840/- was pilfered and the same has been misappropriated by the 3rd respondent. As the petitioner was the supervisor of the shop, he was placed under suspension by the 2nd respondent vide proceedings in See.Moo.Ka.No.A2/215/2021 dated 17.03.202 and a charge memo dated 26.10.2021



was issued to the petitioner. Pursuant thereto, on 06.05.2022, an enquiry was conducted by the 2nd respondent and the petitioner was instructed to pay 50% of the loss sustained by the Corporation, and the petitioner has paid the sum of Rs.5,56,920/- in two instalments. The 3rd respondent was directed to pay the balance 50% amount, but the same has not been paid till date. The 2nd respondent further recorded that no action will be taken against the petitioner. Having received the huge sum of Rs.5,53,720/-, he cannot be indefinitely kept under suspension without any order being passed. However, the petitioner sent a representation dated 12.09.2022, but the same has not been considered by the respondents till date. Hence, the present writ petition.

3. Learned Standing Counsel appearing for the respondents 1 and 2 would submit that the case of the petitioner will be considered by the official respondents on its own merits and in accordance with law, within the time fixed by this Court.

4. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 1st and 2nd respondents to consider the representation of the petitioner dated 12.09.2022 on merits and in accordance with law and pass a speaking order within a period of eight(8) weeks from the date of receipt of copy of this order.



5. With the above direction, the Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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msv

Index:Yes/No

Speaking order/Non-speaking order

msv

To

1.The Management

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2.The District Manager,

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V.BHAVANI SUBBAROYAN,J.

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