



W.P.(MD).No.7612 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7612 of 2024

K.Muthukumar

...Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Marketing Corporation
Ltd., (TASMAC),
CMDA Towers-II, 4th Floor,
Egmore,
Chennai-600 018.

2.The Senior Regional Manager,
Tamilnadu State Marketing Corporation
Ltd., (TASMAC),
No.100, Anna Nagar,
Madurai-625 020.

3.The District Manager,
Tamilnadu State Marketing Corporation
Ltd., (TASMAC),
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to reinstate the petitioner into service by revoking the petitioner's



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suspension order dated 23.08.2014 on the basis of his representation dated 17.02.2024 within the time stipulated by this Court.

For Petitioner : Mr.Jameelarasu

For Respondents : Mr.S.Sivanesan,
Standing Counsel

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The present writ petition has been filed seeking direction to reinstate the petitioner into service by revoking the petitioner's suspension order dated 23.08.2014 on the basis of his representation dated 17.02.2024.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i) The petitioner was appointed as an Assistant Supervisor on 21.11.2003, vide proceedings of the 3rd respondent. After being transferred to various shops, currently he is working as Assistant Supervisor at Shop No.



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6844, situated at Mandapam Town Panchayat, Ramanathapuram. The petitioner has completed more than 20 years of service under the respondents. In the meanwhile, the petitioner was working at Shop No.6844, on 23.08.2014 the Assistant Manager (Account) / 3rd respondent along with Inspection Squad has conducted a surprise inspection in the said shop. During such inspection, the squad noticed shortage of liquor bottles worth Rs.6,84,720/- (Rupees Six Lakhs Eighty Four Thousand Seven Hundred and Twenty only) and based on such inspection report, the 3rd respondent had suspended the petitioner from service along with five other employees who were working in the said shop on that date. During the continuation of such suspension, the 3rd respondent issued a charge memo, for which, the petitioner had submitted a detailed explanation on 17.11.2017 itself.

(ii) However, the other five persons have admitted their guilty and also had repaid the entire shortage amount in favour of the respondent Corporation. Though the petitioner is no way connected with the alleged shortage, he had contributed in the payment of shortage amount along with other employees. While so, the 3rd respondent has reinstated one employee namely one Ganesh



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Kumar, who is working as a salesman and pursuant to the said reinstatement, he was posted at shop No.6927 at Ramnad District. The revocation and reinstatement of the said Ganeshkumar who is also similarly placed with the petitioner, is nothing but discriminatory and the same is an abuse of process of law. Hence, the petitioner personally approached the 3rd respondent to reinstate him as well, but the same was not considered. Finally the petitioner made a detailed representation dated 17.02.2024 seeking to reinstate him into service. Since the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would



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amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Without going into the merits of this case, this Court hereby direct the respondents to consider the petitioner's representation dated 17.02.2024 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

Sml

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