



W.P.(MD).No.7649 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.7649 of 2024

P.Suresh

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
Chennai.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
Madurai.

3.The Deputy Collector/The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to reinstate the petitioner into service as salesman TASMACH Shop No.7553 with all attendant benefits based on the acquittal of the Criminal case and to consider the third respondent memorandum in Na.Ka.No.V2/1006/2014 dated 02.08.2014 and consequently directing the third respondent to consider the petitioner's representation dated 21.10.2023.



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For Petitioner : Mr.PR.Boomeerajan

For Respondents : Mr.H.Arumugam

ORDER

This Writ Petition has been filed seeking direction against the third respondent to reinstate the petitioner into service as salesman TASMACH Shop No.7553 with all attendant benefits based on the acquittal of the Criminal case and to consider the third respondent memorandum in Na.Ka.No.V2/1006/2014 dated 02.08.2014 and consequently directing the third respondent to consider the petitioner's representation dated 21.10.2023.

2. Heard Mr.PR.Boomeerajan, learned counsel for the petitioner and Mr.H.Arumugam, learned counsel for the respondents.

3. Mr.PR.Boomeerajan, learned counsel for the petitioner submitted that a complaint has been given against the petitioner who was working as a Salesman in the respondent corporation alleged that there



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was a shortage of cash and the petitioner was also relieved on 26.10.2013. Based on the allegations, an FIR in Crime No.871 of 2013 has also been registered against the petitioner on 30.10.2013 for the offences punishable under Sections 406, 408, 477(A) and 420 IPC. Aggrieved over the same, the petitioner filed W.P.(MD).No.9213 of 2014 seeking for reinstatement and this Court vide order dated 11.06.2014 disposed of the Writ Petition, by directing the third respondent therein to consider the petitioner's representation and pass orders on merits and in accordance with law.

4. Subsequently, the petitioner was terminated from the service vide order dated 02.08.2014. Aggrieved over the same, the petitioner challenged the termination order by way of filing a Writ Petition in W.P.(MD).No.1001 of 2015 and this Court vide order dated 29.01.2015 disposed of the Writ Petition with a direction to the respondents therein to complete the disciplinary proceedings and pass final orders within a period of twelve weeks. When the petitioner approached the third respondent with the order of this Court, the third respondent has stated that the petitioner's representation can be considered only on the basis of the judgment given in the criminal case filed against the petitioner. Now



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the learned counsel for the petitioner claims that the petitioner got acquitted from the criminal case. Hence, his representation should be reconsidered in the observation made by the third respondent vide order dated 02.08.2014.

5. Mr.H.Arumugam, learned counsel for the respondents submitted that in pursuant to the direction given by this Court in W.P.(MD).No. 1001 of 2015 dated 29.01.2015, disciplinary proceedings have been completed and final orders have been passed on 16.11.2016 by imposing a punishment of removal from service. Instead of challenging the said order, the petitioner is straight away approached this Court by way of filing this Writ Petition, as though no other proceedings have been conducted subsequent to the order dated 02.08.2014.

6. Even though the petitioner was acquitted on 09.07.2023, a decision has been taken in respect of the petitioner's employment at the completion of the disciplinary proceedings and final orders have also been passed on 16.11.2016. But the petitioner has not stated the said facts in the affidavit filed in support of the Writ Petition.



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WEB COPY 7. In view of the above stated reasons, this Writ Petition stands **dismissed**. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

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R.N.MANJULA, J.

Nsr

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