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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP No.17412 of 2016
and
WMP No.14884 of 2016

A.Marimuthu
S/o.Arumugam, Aged 39 years,
Door No.15/3, Gandhi Street,
Madathukulam Taluk, Tiruppur District — Petitioner(s)

Vs

1. The Managing Director
Tamil Nadu State Marketing Corporation
Limited, Fourth Floor, CMDA Tower 2,
Egmore, Chennai-8

2.The District Manager
Tamil Nadu State Marketing Corporation
Limited, Tiruppur District — Respondent(s)

PRAYER Writ Petition filed under Article 226 of Constitution of India for issuance of writ of certiorarified mandamus to call for the records on the file of the second respondent in his proceedings number 113/2013/A dated 13-06-2013 and quash the same insofar as the petitioner is concerned and direct the respondents to reinstate the petitioner in service with all service and the

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monetary benefits.

For Petitioner(s): Mr.S.Selvathirumurugan

For Respondent(s): Mr.Lalith
for Mr.M.Sekar
Standing Counsel

ORDER

This petition is filed to call for the records of the second respondent in his proceedings number 113/2013/A dated 13-06-2013 and quash the same insofar as the petitioner is concerned and direct the respondents to reinstate the petitioner in service with all service and the monetary benefits.

2.Brief facts of the case are as follows:

The petitioner was appointed as Assistant Salesman on 05.02.2004 at TASMAC Retail Outlet Shop No. 3432, located in Dharapuram Taluk. On 14.08.2012, he was given an additional charge as the Assistant Salesman at TASMAC Retail Outlet Shop No. 3432, located in Dharapuram Taluk. While serving at Shop No. 3432, along with Mr.Dharmaraj (Supervisor) and Mr.Subramani (Assistant Salesman), an audit revealed a stock deficit amounting to Rs. 3,28,920/-. Subsequently, on 02.03.2013, the petitioner was issued with a memo directing him to remit the said amount to the respondent Corporation.

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Prior to this, on 25.02.2013, the petitioner, along with Mr.Subramani, was allegedly forced to submit a written statement accepting the alleged misconduct, based on a false assurance that he would not be dismissed from service. Relying on this statement, a First Information Report (FIR) in Crime No.142/2013 was registered against all the three staff members. Thereafter, on 13.06.2013, the second respondent passed an order, dismissing the petitioner from service.

3.Learned counsel for the petitioner submitted that without issuing any show cause notice or conducting a proper enquiry, the petitioner was dismissed from service on 13.06.2013 on the allegation of a fund shortage amounting to Rs. 3,28,920/-.

4.Though the writ petition is of the year 2016, and the respondents have entered appearance, they have not chosen to file any counter affidavit.

5.It is evident from the records that an FIR in Crime No.142/2013 was registered against the petitioner, along with two other staff members, and a charge sheet was filed in Charge Sheet No.204/4 for an offence under Section 409 of the Indian Penal Code. Notably, the impugned order dated 13.06.2013 has no reference to any disciplinary proceedings initiated against the petitioner.

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The petitioner was dismissed from service even without issuing a show cause notice. The impugned order, which is based on an allegation of misappropriation of funds to the tune of Rs. 3,28,920/-, has been passed without adherence to the principles of natural justice and without complying the procedure established by law.

6.In view of the same, the impugned order of the second respondent in proceedings number 113/2013/A dated 13.06.2013 is hereby set aside.

7.In fine, this Writ Petition is allowed, with a direction to the respondents to reinstate the petitioner in service with all other attendant benefits. It is made clear that the petitioner is not entitled for any backwages and also other monetary benefits during the period in which he was out of service. No costs. Consequently, connected Miscellaneous Petition is closed.

22-08-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

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Corporation Limited,
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