



W.P. No. 27113 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 27113 of 2018

R.Ravi

... Petitioner

-VS-

1. The Managing Director
Tamil Nadu State Marketing Corporation Ltd.
Head Office, CMDA Tower II
IV Floor, Gandhi Irwin Road
Egmore, Chennai-600008.
2. The Senior Regional Manager
Tamil Nadu State Marketing Corporation Ltd.
Salem-16.
3. The District Manager
Tamil Nadu State Marketing Corporation Ltd.
Namakkal.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records from the first respondent through the proceedings in Se.Mu.Na.Ka. No. R1/31046/2016 dated 17.11.2016 that confirming the order of the second respondent in Se.Mu.No.4290/2015/A dated 06.11.2015 and the order of the third respondent in Se.Mu.Na.Ka.No. 2415/B1/CV/2014 dated 01.04.2015 and quash the same and consequently, direct the respondents herein to reinstate the petitioner with all consequential and attendant benefits.



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For Petitioner : Mr.S.Vinoth Kumar
For Respondents : Mr.M.Sekar, SC for TASMACH

ORDER

This writ petition has been filed by challenging the order of the first respondent in Se.Mu.Na.Ka. No. R1/31046/2016 dated 17.11.2016.

2. Heard Mr.S.Vinoth Kumar, learned counsel for the petitioner and Mr.M.Sekar, learned Standing Counsel for the TASMACH and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner was working as a Salesman with the third respondent Corporation. While he was in duty on 20.09.2014, the respondent visited the shop on surprise inspection and seized 2 number of day night Brandy 180 ml bottles, which were containing 90 ml only. Subsequently on 27.10.2014, the third respondent had suspended the petitioner from service. Thereafter, a charge memo was issued and an enquiry was conducted and then the petitioner was dismissed from service. The appeal filed before the second respondent was also dismissed. Thereafter, a revision petition was filed before the first respondent



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was also dismissed. Now the petitioner has filed this writ petition.

4. The petitioner submitted that he will not commit any kind of irregularities in future and in the event of his reinstatement, he will not claim any backwages and any other monetary benefits from the respondent Corporation. He relies on the order of this Court in ***P.Balaji -vs- The Senior Regional Manager, TASMACH, Salem Region, Salem*** [Order made in W.P.No.14250 to 14252 of 2019 on 30.07.2019]. In the said judgment, it is held as under:-

“2. When the matter is taken up for hearing, it is represented by the respondent-Corporation that the issue raised in these writ petitions has already been considered and decided by this Court on 02.04.2019 in W.P. No.28574 of 2014. The relevant portion of the said order reads as follows:-

“6. At this juncture, the learned Standing Counsel appearing for the TASMACH, would submit that by recording the undertaking affidavit of the petitioner dated 21.03.2019, necessary orders may be passed.

7. In view of the above submissions and also considering the fact that while passing impugned order, the Authority concerned did not take note off the denial made by the



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petitioner against the allegations, and that taking note of the affidavit of undertaking filed by the petitioner, dated 21.03.2019, this Court is inclined to pass the following order:-

(i) the impugned dismissal order passed by the third respondent, dated 30.09.2013 which was also confirmed by the second respondent, dated 31.07.2017 are liable to be set aside, accordingly they are set aside;

(ii) The third respondent is directed to reinstate the petitioner within a period of two weeks from the date of receipt of a copy of this order.

(iii) It is made clear that the petitioner is not entitled for any backwages and any other monetary benefits during the period of break-in-service, as per his undertaking affidavit dated 21.03.2019, i.e., from the date of suspension till the date of the order to be passed by the third respondent.””

5. Considering the fact that the petitioner is also similarly placed, as the



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person in the above writ petition, this writ petition is disposed by setting aside

the order of the dismissal passed in Se.Mu.Na.Ka. No. R1/31046/2016 dated

17.11.2016 of the first respondent and the respondent concerned is directed to

reinstate the petitioner within a period of two weeks from the date of receipt of

a copy of this order. 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.

04.02.2025

Index: Yes/No

Internet : Yes/No

Speaking /Non-speaking order

Maya

To

1. The Managing Director
Tamil Nadu State Marketing Corporation Ltd.
Head Office, CMDA Tower II
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2. The Senior Regional Manager
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R.N.MANJULA, J.

Maya

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