



WEB COPY

WP No. 5363 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 5363 of 2025

and

WMP No.5933 of 2025

C.Kannan.

..Petitioner(s)

Vs

The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC), Chennai North District,
Plot No.B4, Industrial Estate, Amabttur,
Chennai – 600 053.

..Respondent(s)

Prayer: Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent in relating to the impugned order Na.Ka.No.A1/091/2011 dated 04.01.2011, quash the same and to consequently direct the respondent to reinstate the petitioner in his service as a “Shop Supervisor” in the TASMAC Shop at Chennai North District, with continuity of service, back wages and all other attendant benefits.

For Petitioner(s): Mr.F.Wellington

For Respondent(s): Mr.B.Sathish Kumar,
Standing Counsel

ORDER

The above writ petition has been filed seeking to quash the order passed by the respondent dated 04.01.2011 and direct the respondent to reinstate the petitioner in service as shop supervisor in TASMAC shop at Chennai North



District with continuity of service, backwages and along with all other attendant benefits.

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2. The petitioner's contention is that he was working as a shop supervisor, in the respondent Corporation after he had been selected for the said post by order of the respondent dated 22.11.2003 and subject to a security deposit of Rs.50,000/-, which amount has also been deposited by the petitioner on 27.11.2003. Thereafter, he was appointed as a shop supervisor, on a part time temporary basis. On 30.12.2010, a complaint was given to the Vigilance Officer by a salesman, one Munusamy against Ramalingam, who worked as District Manager, Chennai North, TASMACH for asking a bribe of Rs.5,000/- per month. Based on this complaint, a raid was conducted by the Deputy Superintendent of Police, Special Investigation Cell, Vigilance and Anti-corruption, Chennai and the allegation against the petitioner was that on the instruction of the said Ramalingam, he had received the bribe amount.

2.1. Thereafter, an FIR was registered against the said Ramalingam on 30.12.2010 and during investigation, the petitioner was included as A2 and a final report under the Prevention of Corruption Act, 1988 was filed against the petitioner and the said Ramalingam. Thereafter, the petitioner was removed from service on 04.01.2011. Based on this final report, a case was also registered in Spl.Case No.15 of 2012 before the learned Chief Judicial



Magistrate at Tiruvallur. After a full-fledged trial, the petitioner and the said Ramalingam were acquitted honourably by the learned Chief Judicial Magistrate, Tiruvallur on 30.09.2024. Immediately on being acquitted, the petitioner sent a letter to the respondent on 09.10.2024 seeking to reinstate him with continuity of service, backwages and all other attendant benefits. However, the said request was not considered. Therefore, the petitioner has come forward with the above writ petition seeking to quash the earlier order of dismissal. The learned counsel for the petitioner would also submit that the respondent shall not demand the backwages and the attendant benefits from 04.01.2011 till the date of this order except for seeking continuity of service.

3. The counter affidavit filed by the respondent reads as follows:

3.1 The petitioner was appointed on a purely temporary and contractual basis as a Shop Supervisor in TASMACH, under the terms and conditions stipulated in the appointment order dated 27.11.2003. The appointment was governed by the contractual agreement, which categorically stated that continuation in service would depend upon satisfactory conduct and performance.

3.2. The order of removal from service dated 04.01.2011 was issued after due consideration of the vigilance findings, departmental records, and the petitioner's overall service conduct. The decision was based on loss of



confidence in the petitioner's integrity and suitability to continue in public service. As his appointment was purely temporary and contractual, the petitioner did not possess any vested right to reinstatement, nor is he entitled to back wages or continuity of service.

3.3. The action taken by the respondent authority was strictly in accordance with law, and established principles of natural justice. The petitioner was afforded due opportunity to submit his explanation and to defend himself during the disciplinary proceedings. Therefore, the learned Standing Counsel appearing for the respondent seeks the dismissal of this writ petition as it is devoid of merits. He would also submit that the respondent should be given the liberty to initiate the disciplinary proceedings, if so advised, against the petitioner.

4. Heard the rival submissions made by the learned counsel on either side and perused the materials available on record.

5. The main contention raised by Mr.B.Sathish Kumar, learned Standing Counsel for the respondent is that the petitioner has questioned his dismissal after a period of 15 years. A perusal of the impugned order would clearly show that the petitioner has been terminated from service only on the ground that he had been arrested, as a result of which, the reputation of the respondent



Corporation has come down. However, the ground on which the petitioner has been terminated was that he had been involved in a case involving receipt of bribe. After contest, the learned Special Judge and the learned Chief Judicial Magistrate, Tiruvallur by order dated 30.09.2024, has dismissed the Special Case No.15 of 2012 filed against the petitioner and the said Ramalingam. Paragraph no.25 of the order dated 30.09.2024 passed by the learned Judicial Magistrate, Tiruvallur, would read as follows:

“25. In fine it is held that the original demand of illegal gratification as per the Ex.D.1 appears to be not possible to be taken place and the alleged date and time. It is the specific defence that, the complainant herein lodged the complaint to avoid action at the hands of the first accused. In connection to, it is the case that the inspection notes is prepared. But it was not recovered by the TLO and the I.O. When prosecution as well as the defence relies on the said inspection without recovering such document and no explanation for not recovery of such document, taking into consideration of the failure in the investigation as well as in the trap as listed above, the case of the defence that, as the 1st accused herein not demanded in the illegal gratification and the complainant herein filed this complaint to prevent further action found with some probability. The said probability further buttressed for the failure in conducting the phenolphthalein test in the presence of reliable witnesses despite it was being available at the threshold of the disposal of the TLO. Likewise no steps were taken or there is no material to show that steps were taken to recover the thrown



away money. When the said circumstances of the case of prosecution applied the case of defence, this court is of the view the defence established its probability.”

The learned Judge has disbelieved the evidence of the prosecution and the petitioner has been honourably acquitted. Therefore, the very basis on which, the petitioner has been terminated from service ceases to exist. The petitioner has been acquitted honourably in the year 2024 and therefore the basis on which he was dismissed from service has been found to be without any basis and immediately the petitioner has come forward with this writ petition.

6. Therefore, this writ petition is **allowed** and the impugned order dated 04.01.2011 passed by the respondent is quashed with the following directions:

a) The petitioner shall be reinstated with continuity of service, but, without backwages or other attendant benefits between the period from the date of the impugned order till and date of this order;

b) It is open to the respondent to initiate disciplinary proceedings against the petitioner, if so advised. Consequently, connected miscellaneous petition is closed. No costs.

06-04-2026

Index: Yes/No

Neutral Citation: Yes/No

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To:

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