

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.06.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.18856 OF 2015

&

M.P.No.1 of 2015

K.Ramasamy

[PETITIONER]

Vs

The District Manager
Tamil Nadu State Marketing
Corporation Ltd. (TASMAC)
Tiruppur Division, Tiruppur.

[RESPONDENT]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of Declaration to declare that the prolonged suspension of the petitioner's service from 30.10.2012 without paying subsistence allowance is arbitrary illegal and discriminatory consequently direct the respondent to reinstate the petitioner in his service as salesman in Tasmac Shop at Tiruppur with full back wages continuity of service and all other attendant benefits and award cost.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.S.Muthuraj

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner is an employee in Tasmac Shop No.1984 at Tiruppur and he was placed under suspension by an order dated 30.10.2012.

3.According to the learned counsel for the petitioner, though the petitioner was placed under suspension in 2012, till date no charge sheet has been issued. The learned counsel has relied on the Judgment of the Hon'ble Apex Court in the case of AJAYKUMAR CHOUDHARY v. UNION OF INDIA THROUGH ITS SECRETARY AND ANOTHER [Civil Appeal No.1912 of 2015 dt 16.02.2015], and submitted that the Hon'ble Apex Court has held that unless a charge sheet is issued within a period

of ninety days from the date of placing the employee under suspension, the said suspension can be revoked. The learned counsel has also submitted that another person who was similarly situated like the petitioner, S.Karthikesan, and who was also placed under suspension along with the petitioner was restored to duty. The learned counsel further submits that in this regard, the petitioner has also submitted a representation dated 20.04.2015 for reviewing the suspension order and to give him employment. Now, the petitioner has come forward with this Writ Petition to declare the suspension order as illegal.

4.At the time of hearing the Writ Petition, the learned counsel for the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the respondent to consider and pass orders on the representation submitted by the petitioner dated 20.04.2015, in the light of the Judgment of the Hon'ble Apex Court, referred supra and also the fact that the petitioner's co-employee Karthikesan, was restored to duty.

5.Accordingly, the respondent is directed to consider the representation submitted by the petitioner dated 20.04.2015, in the light of the Judgment of the Hon'ble Apex Court, referred supra and also the fact that the petitioner's co-employee Karthikesan, was restored to duty, and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is close.d

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

rpa

To

The District Manager
Tamil Nadu State Marketing Corporation Ltd. (TASMAC)
Tiruppur Division, Tiruppur.

1CC to Mr.P.R.Thiruneelakandan, Advocate, SR 31907

1CC to Mr.S.Murthy, Advocate, SR 31977

W.P.No.18856 OF 2015

RV [CO]
PSI 06.07.2015