

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.23978 of 2015
and
M.P.No.1 of 2015

B.Karthigeyan

...Petitioner

vs

The State by:

1. The Managing Director
The Tamilnadu State Marketing Corporation Limited
Chennai 16
2. The Deputy Collector cum District Manager
The Tamilnadu State Marketing Corporation Limited
Vellore I
3. The District Additional Superintendent (Squad)
Department of Prohibition and Excise
Salem
4. The Assistant Manager (Accounts)
The Tamilnadu State Marketing Corporation Limited
Arakkonam, Vellore District
5. The Sub Inspector
The Prohibition Enforcement Wing
Arakkonam, Vellore District
6. The Senior Divisional Manager
The Tamilnadu State Marketing Corporation Limited
Vellore 16
7. The Enquiry Officer
The District Tamilnadu State
Marketing Corporation Limited Office,
Vellore

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the

records of the impugned order in Se.Mu.Na.Ka.No.A2/1149/C.V/2014 dated 29.7.2014, passed by the second respondent suspending the petitioner from service and quashing the same.

For Petitioner : Mr.C.Chokkalingam

For Respondents : Mr.S.Muthuraj
for RR1, 2 and 4 to 7

Mr.V.Subbiah
Special Government Pleader
for RR3 and 5

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he was employed as a Salesman by the second respondent in the services of the Tamil Nadu State Marketing Corporation Limited (TASMAC), in Shop No.11009 at Arakkonam and the Deputy Collector, Flying Squad, Salem Zone and other Officials conducted a surprise inspection on 29.7.2014, and noted certain irregularities and therefore, the petitioner was placed under suspension and Disciplinary Proceedings were also initiated against him and the Enquiry Officer has given a report stating that the charge framed against the petitioner, has been proved and the petitioner was also issued with a second show cause notice dated 15.6.2015, by the second respondent, who is having Office at Arakkonam.

3.Now, the petitioner came forward with this writ petition challenging the order of suspension stating that on the particular day, he was on leave and for reasons best known to them, the Supervisor was not proceeded with and would further state that no proper procedure has been followed while conducting the enquiry, and prays for appropriate orders.

4.The Court heard the submissions of the learned Counsel appearing for the petitioner, Mr.S.Muthuraj, learned Standing Counsel, who accepted notice on behalf of the respondents 1, 2 and 4 to 7, and Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the respondents 3 and 5.

5.The learned Standing Counsel appearing for the TASMAC, would submit that the enquiry has already been concluded and the petitioner has been issued with the second show cause notice, and therefore, at this stage, the order of suspension cannot be put to challenge and prays for dismissal of this writ petition.

6.This Court, upon considering the rival submissions and taking into consideration the materials placed before it, and other facts and circumstances, is of the view that it would suffice to direct the second respondent to conclude the Disciplinary Proceedings in accordance with law, and pass orders at an early date.

7.In the result, the writ petition is disposed of and the second respondent is directed to conclude the Disciplinary Proceedings and pass orders thereon strictly in accordance with law, as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsv

To

1. The Managing Director
The Tamilnadu State Marketing Corporation Limited
Chennai 16
2. The Deputy Collector cum District Manager
The Tamilnadu State Marketing Corporation Limited
Vellore I
3. The District Additional Superintendent (Squad)
Department of Prohibition and Excise
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Vellore District
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The Prohibition Enforcement Wing
Arakkonam,
Vellore District

6. The Senior Divisional Manager
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Vellore 16

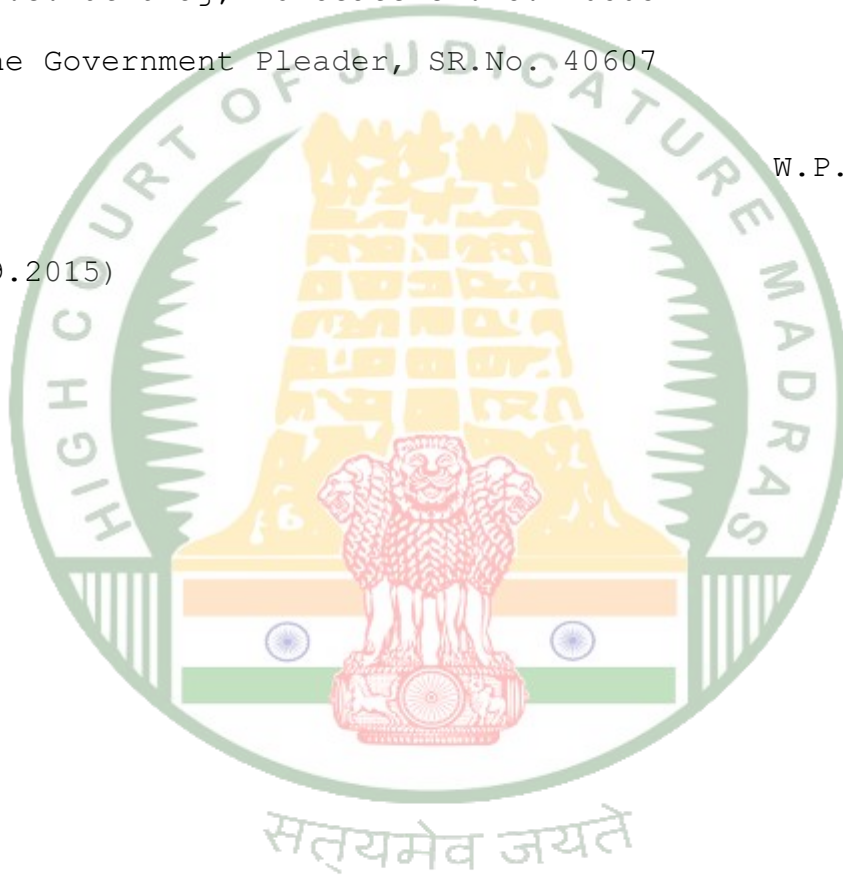
7. The Enquiry Officer
The District Tamilnadu State Marketing
Corporation Limited Office,
Vellore

1 CC to Mr.S.Muthuraj, Advocate SR.No. 40503

1 CC to the Government Pleader, SR.No. 40607

W.P.No.23978 of 2015

SR (CO)
PSI (09.09.2015)



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