IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition Nos.24103 to 24114 of 2015
and M.P.Nos.1 to 1 of 2015 (12 Nos.)

S.Chandira Babu,
Supervisor, Shop No.4063 ... Petitioner in W.P.No.24103/15
K.Kumaravel
Salesman, Shop No.4015 ... Petitioner in W.P.No.24104/15
V.Pazhani,
Salesman, Shop No.4063 ... Petitioner in W.P.No.24105/15
C.Pandurangan,
Salesman, Shop No.4063 ... Petitioner in W.P.No.24106/15
R.Manikandan,
Salesman, Shop No.4063 ... Petitioner in W.P.No.24107/15
S.Krishnamoorthy,
Supervisor, Shop No.4001 ... Petitioner in W.P.No.24108/15
S.Thenselvam,
Supervisor, Shop No.4005 ... Petitioner in W.P.No.24109/15
A.Sivakumar,
Supervisor, Shop No.4059 ... Petitioner in W.P.No.24110/15
S.Vadivel,
Salesman, Shop No.4059 ... Petitioner in W.P.No.24111/15
N.S.Rathina Kumar,
Salesman, Shop No.4059 ... Petitioner in W.P.No.24112/15
M.Raja,
Salesman, Shop No.4001 ... Petitioner in W.P.No.24113/15
M.Anbazhagan,
Salesman, Shop No.4059 ... Petitioner in W.P.No.24114/15

Vs.

The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Rep. By The District Manager,
Kancheepuram (South),
14-18 SIPCOT Industrial Estate, Orikkai,
Kancheepuram District - 631 502 ... Respondent in all W.Ps.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the orders of the respondent, dated 15.07.2015 and 27.07.2015 in Na.Ka.No.1308/R1/2015, quash the same and consequently, direct the respondent to reinstate the petitioners in service in their respective shops.

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For Petitioner in all W.Ps : Mr. K.Selvaraj

For Respondent in all W.Ps : Mr. S.Muthuraj

C O M M O N O R D E R

Admit. Mr.S.Muthuraj, learned Standing Counsel, takes notice for respondent. By consent of the learned counsel for both sides, the writ petitions are taken up for final disposal at the admission stage itself.

2. The petitioners would state that they were appointed as Salesmen and Supervisors, in the services of the Tamil Nadu State Marketing Corporation Limited (TASMAC) during the year 2004. According to them, they have put in hard, sincere, unblemishness service for more than ten years. The petitioners would state that they were the Salesmen and Supervisors of the TASMAC Wine Shop Nos.4063, 4015, 4001, 4005, 4059, at Kancheepuram District and the said Shops were closed, after business hours, on 14.07.2015, and on the next day, i.e., on 15.07.2015, the petitioners and other staff had reported for duty and also signed the attendance register.

3. The petitioners would state that, there is not even a complaint of the misappropriation of the sale consideration against the petitioners. But to their shock and surprise, the petitioners were issued with the order of suspension. The petitioners, later on, have come to know that with regard to the running of the private bar, on the adjacent premises, the petitioners have been placed under suspension. Challenging the legality of the same, the petitioners have come forward to file these writ petitions.

4. The learned counsel for the petitioners, in all these writ petitions, would submit that it was the petitioners, who have stated to the respondent about the illegal running of the bar in the adjacent premises and therefore, the petitioners have nothing to do with the alleged offence and even in the First Information Reports, the petitioners have not been shown as accused. Therefore, the learned counsel for the petitioners submitted that the petitioners may be permitted to submit representations to the respondent and the respondent may be directed to consider the same and pass appropriate orders.

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5. This Court heard the submissions of the learned counsel for the petitioners and Mr.S.Muthuraj, learned Standing Counsel, who accepts notice on behalf of the respondent.

6. The learned Standing Counsel appearing for the respondent would submit that the petitioners had placed under suspension only on 15.07.2015 and 27.07.2015 and whatever entitlement they have to receive during the period of suspension will be paid and would further submit that the respondent will conclude the disciplinary proceedings within a period of three months from the date of receipt of a copy of this order.

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7. Though the petitioners prayed for the larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, permits the petitioners to submit representations, for renewing the orders of the suspension, within a period of two weeks from the date of receipt of a copy of this order and the respondent, on receipt of the same, is directed to consider the same, in accordance with law, and pass orders, within a period of four weeks thereafter, and communicate the decision taken to the petitioners. It is made clear that during the period of suspension, the petitioners are to be paid subsistence allowance in accordance with the relevant norms and regulations.

8. These writ petitions are disposed of accordingly. No costs. Consequently, the connected MPs are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

srk

To

The District Manager,
The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Kancheepuram (South),
14-18 SIPCOT Industrial Estate, Orikkai,
Kancheepuram District - 631 502

+1 cc to Mr.S.Muthuraj, Advocate, sr.41019.

W.P.Nos.24103 to 24114 of 2015
and M.P.Nos.1 to 1 of 2015

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