

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition Nos.27075 and 27076 of 2014
and
M.P.Nos.1 to 3 of 2014 (in each WP)

R.Jayaprasad ...Petitioner in W.P.No.27075/2014

V.Thirumalaivasan ...Petitioner in W.P.No.27076/2014

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
IV Floor, CMDA Tower,
Egmore, Chennai - 600 008.

2.Deputy Collector/District Manager,
TASMAC Ltd,
Kancheepuram. ...Respondents in both petitions

Petitions filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, calling for the records from the 2nd respondent relating to the order of suspension bearing Na.ka.No.13/R1/2009 dated 14.08.2009 (in both WPs) and Na.Ka.No.547/R9/2011 dated 17.09.2011 (in W.P.No.27076/2014) and quash the same and consequently direct the respondents to permit the petitioners to report for work with all benefits.

For Petitioners : Mr.J.Williams Shakesphere

For Respondents : Mr.S.Muthuraj

C O M M O N O R D E R

The challenge in these writ petitions is to the order dated 14.08.2009 placing the petitioners under suspension, pending initiation of disciplinary proceedings.

2. According to the petitioners, without any definite charge, they were placed under suspension by order dated 14.08.2009. The respondents failed to pay them subsistence allowance during the currency of suspension. The petitioners, therefore challenge the very order of suspension.

3. The learned Standing Counsel for TASMAL on instructions submitted that the second respondent issued a charge memo on 05.03.2010. Thereafter, Enquiry Officer was appointed on 17.09.2011. The petitioners submitted their explanation on 30.10.2011. According to the learned Standing Counsel, disciplinary proceedings would be completed within a period of two months.

4. The second respondent is directed to conclude the disciplinary proceedings initiated against the petitioners as expeditiously as possible and in any case within a period of two months from the date of receipt of a copy of this order. There shall be a further direction to the second respondent to pay subsistence allowance to the petitioners effective January 2015. The arrears from January 2015 should be paid within a period of two weeks from the date of receipt or production of a copy of this order.

5. The writ petitions are disposed of with the above direction. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd., (TASMAL)
IV Floor, CMDA Tower,
Egmore, Chennai - 600 008.

2. Deputy Collector/District Manager,
TASMAC Ltd.
Kancheepuram.

1CC to Mr.S.Muthuraj, Advocate SR 15354

2CCs to Mr.J.William Shakesphere, Advocate SR 15191

W.P.No.27075 and 27076 of 2014

SR [CO]
PSI 25.03.2015



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