

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25224 of 2015

And

M.P.No.1 of 2015

S.Swaminathan

...Petitioner

Vs.

1 The Managing Director
TASMAC Limited Chennai-8.

2 The District Manager
TASMAC Limited.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the 2nd respondent in proceedings Se.Mu.Na.Ka.No.A2/1252/C.V/2015 dated 01.08.2015 and quash the same as illegal, incompetent and quash the same as illegal.

For Petitioner : Ms.R.Poornima

For Respondents : Mr.S.Muthuraj

सत्यमेव जयते
O R D E R

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

2.The petitioner would state that he is a Post Graduate in M.A. (History) and physically challenged to the extent of 60% and he has registered his name with the jurisdictional Employment Exchange during January, 2004. He got the order of appointment as Supervisor in the services of Tamil Nadu State Marketing Corporation (TASMAC)

and the nature of the job is to receive the stock and remit the collection in the Bank daily. The petitioner initially was posted in Nemmiyampattu village in shop no.11319 and thereafter, he was posted to Ambur in shop no.11352 and thereafter he was posted to shop no.11250 at Chinnathammal, Gudiyatham Taluk and he continued to work as Supervisor in that shop for the past two years.

3.The petitioner has also brought to the knowledge of the Senior Regional Manager about the irregularities going on in some of the shops. On 25.07.2015, the petitioner became sick and after remitting the collection amount of Rs.54,592/- in the Bank, he went to hospital and on the next day, he applied for leave and also informed his superior officials through the mobile phone that he is availing medical leave. The petitioner would further state that on 26.07.2015, a flying squad led by the Deputy Collector conducted a surprise raid and found that there was loose sales with "Day Night Brandy" by mixing water in the liquor and in this regard, the second respondent has passed the impugned order dated 01.08.2015 relieving the petitioner from service and challenging the legality of the same, the present writ petition is filed.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to the impugned order passed by the second respondent and would submit that without putting the petitioner on notice the relieving order came to be passed and hence prays for interference and she would further submit that admittedly, the petitioner was on medical leave between 25.07.2015 and 14.08.2015 and surprise inspection came to be made on 26.07.2015 and hence, he cannot be held responsible and prays for interference.

5.Per contra, Mr.S.Muthuraj, learned Standing Counsel who accepts notice on behalf of the respondents would submit that the petitioner is placed under suspension only and not relieved from service and disciplinary proceedings would be concluded as expeditiously as possible and final orders would be passed.

6.This Court taking into consideration the above facts and circumstances and especially the plea made by the petitioner that he was on medical leave between 25.07.2015 afternoon and 14.08.2015, permits the petitioner to submit a representation for revoking the order of suspension dated 01.08.2015 within a period of one week from the date of receipt of a copy of this order to the second respondent, who on receipt of the same is directed to consider the same and pass orders in accordance with law within a period of one week thereafter and communicate the decision taken, to the petitioner and depending upon the disposal and result of the said representation, the second

respondent may proceed further in accordance with law.

7.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1 The Managing Director
TASMAC Limited Chennai-8.

2 The District Manager
TASMAC Limited.

1 CC to Ms.R.Poornima, Advocate SR.No. 42823

W.P.No.25224 of 2015
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UG (CO)
PSI (17.08.2015)

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