

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29035 of 2015

And

M.P.No.1 of 2015

S.Kumar

... Petitioner

Vs.

The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Baiyanapalli, Krishnagiri District. Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for records relating to order of the respondent made in Na.Ka.No.159/2015/CV-1 dated 29.08.2015 to Quash the same in so far as the petitioner is concerned or in the alternate to commence and conclude the disciplinary proceedings within a time frame to be stipulated by this Honourable Court.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.S.Muthuraj

O R D E R

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

2.The petitioner along with one S.Ramamurthi, are employed as Salesmen in respect of shop no.3037 at Puliancherry Village, Krishnagiri Taluk and District and when a Special Audit was conducted on 27.08.2015, there was deficit of stock to the tune of Rs.21,044/- and a prima facie decision has been arrived that the above said sales personnel had committed the act of mis-appropriation and therefore, both of them were placed under suspension vide order dated 29.08.2015 by the respondent and challenging the legality of the same, the petitioner came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner have nothing to do with the alleged delinquency and the alleged verification has been made without putting the petitioner on notice and hence prays for quashment of the order of suspension.

4.Per contra, Mr.S.Muthuraj, learned Standing Counsel who accepts

notice on behalf of the respondent would submit that as per the Special Audit Inspection done on 27.08.2015, there was stock deficit to the tune of Rs.21,044/- and since the petitioner and the other were incharge at the relevant point of time, they were rightly placed under suspension pending enquiry and prays for dismissal of the writ petition.

5.This Court heard the rival submissions and perused the materials placed before it.

6.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner as well as the version of the respondent, directs the respondent to conclude the disciplinary proceedings initiated against the petitioner and pass final orders as expeditiously as possible not later than ten weeks from the date of receipt of a copy of this order and in the interregnum, shall pay the subsistence allowance, in accordance with relevant norms and regulations.

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

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Baiyanapalli, Krishnagiri District.

1 cc to Mr. L.Chandrakumar, Advocate Sr.No.50516

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