

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.30239 of 2015

&

M.P.Nos.1 and 2 of 2015

S.Annamalai

...Petitioner

Vs.

1. The Senior Regional Manager,
TASMAC, Salem Region,
Salem.

2. The District Manager,
TASMAC, Salem District,
Salem.

...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings in Se.Mu.Na.Ka.No. 1525/2015/A4/C.V dated 03.07.2015 on the file of the 2nd respondent and quash the same and consequently direct the respondents to reinstate the petitioner in the post of Salesman Assistant at shop No.7161, Thedavur, Gangavalli Taluk, Salem District based on the petitioner's representation dated 14.08.2015.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.S.Muthuraj

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner has joined the services of the Tamil Nadu State Marketing Corporation (TASMAC) as Sales man in the year 2004. While he was in working in the said capacity in Shop No.7161,

Thedavur, Salem District, he is said to have involved in a criminal case in Crime No.127 of 2015 registered by the Gangavalli Police Station for the alleged commission of offence under Sections 147, 148, 342, 323, 324 and 302 IPC and consequent upon the registration of the case, the petitioner, vide proceedings of the second respondent dated 03.07.2015, was placed under suspension. Challenging the legality of the said order, the petitioner has filed the present Writ Petition.

3. Learned counsel appearing for the petitioner would submit that on a particular day, on which the offence were said to have been committed, the petitioner was discharging his duty in that particular shop and he has nothing to do with the alleged commission of offence. It is the further submission of the learned counsel appearing for the petitioner that since the registration of the case does not pertain to his discharge of duties, he cannot be placed under suspension and in this regard, he has also submitted a representation dated 14.08.2015 to the second respondent to revoke/review the order of suspension and hence prays for appropriate orders.

4. This Court heard the submissions of the learned counsel appearing for the petitioner and the learned counsel, who accepts notice on behalf of the respondents.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the above-said facts and circumstances, directs the second respondent to consider the representation of the petitioner dated 14.08.2015 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

s1

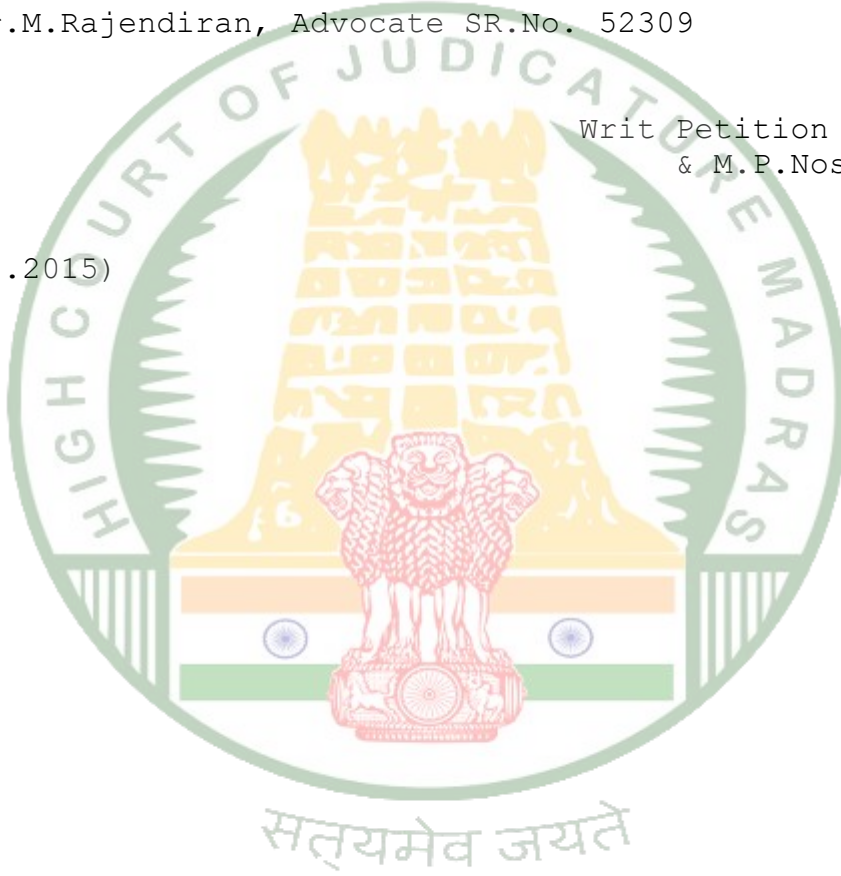
To

1. The Senior Regional Manager,
TASMAC, Salem Region,
Salem.
2. The District Manager,
TASMAC, Salem District,
Salem.

1 CC to Mr.M.Rajendiran, Advocate SR.No. 52309

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SK (CO)
PSI (08.10.2015)



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