



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

Writ Petition (MD) No.1116 of 2015 and
MP(MD)No.1 of 2015

P.Manikandan

... Petitioner

Vs.

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Plot No.100,
Anna Nagar,
Madurai 20.

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Theni District.

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records on the file of the 2nd respondent in his Proceedings in Na.Ka.No. 977/2014/A1 dated 26.12.2014 and quash the same as illegal.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.M.Muniyasamy,
Standing Counsel

ORDER

Heard the learned counsel appearing for the petitioner and Mr.M.Muniyasamy, learned standing counsel who takes notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.The petitioner is aggrieved against the order dated 26.12.2014 whereby he was placed under suspension.

3.It is seen that the petitioner was working as employee of the respondent corporation was placed under suspension on 26.12.2014 based on a general allegation of shortfall of sale proceeds. Therefore, it is for the petitioner to face the enquiry and at this stage, this Court cannot interfere with the order of suspension. However, in similar matters, this Court has passed an order directing the authorities to complete the disciplinary proceedings within three months and pay subsistence allowance during the suspension period. It is also ordered in those matters wherein disciplinary proceedings are not completed and final orders are not passed within the time stipulated, the petitioner therein is entitled to reinstatement in service.



4. Following the above said order, this writ petition is disposed of on the following terms:-

a) It is open to the second respondent to initiate disciplinary proceedings against the petitioner and if any such proceedings is initiated, the same shall be completed and final order shall be passed within a period of three months from the date of receipt of a copy of this order.

b) The petitioner shall be paid subsistence allowance from the date of suspension till the second respondent passes the final orders in the disciplinary proceedings.

c) If the second respondent does not initiate disciplinary proceedings as stated supra and pass final orders within the time stipulated, the petitioner is entitled to be reinstated into service immediately thereafter.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar

To

1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Plot No.100,
Anna Nagar,
Madurai 20.

2. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Theni District.

+One cc to Mr. J. Jeyakumaran, Advocate, SR.No.4767

sms

RL/4 c- 11/2/2015

Writ Petition (MD) No.1116 of 2015 and
MP (MD) No.1 of 2015