



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2015

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)Nos.14300 and 14320 of 2015
and
M.P(MD)Nos.1 and 1 of 2015

S.Sathishkumar

.. Petitioner in W.P(MD).No 14300 of 2015

G.Sudhakar

.. Petitioner in W.P(MD).No 14320 of 2015

Vs.

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation
(TASMAC) Ltd.,
Trichy.

2.The District Manager,
Tamil Nadu State Marketing Corporation
(TASMAC) Ltd., Thanjavur District.

..Respondents in W.P(MD).No 14300 of 2015

The District Manager,
Tamil Nadu State Marketing Corporation
(TASMAC) Ltd., Thanjavur District.

..Respondent in W.P(MD).No 14320 of 2015

Prayer in W.P(MD).No 14300 of 2015: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No.2742/RV-2/2015 dated 30.05.2015 and quash the same as illegal and consequently with direct the respondent to reinstate the petitioner into service will all other monetary benefits.

Prayer in W.P(MD).No 14320 of 2015: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent in Na.Ka.No.8139/RV-2/2015 dated 08.07.2015 and quash the same as illegal and consequently to direct the respondent to reinstate the petitioner into service will all other monetary benefits.

For Petitioner
in both Wps

: Mr.P.R.Prithiviraj

For Respondents
in both Wps

: Mr.M.Muniyasamy



COMMON ORDER

The petitioners/ S.Sathishkumar and G.Sudhakar have filed these writ petitions seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders passed by the District Manager, Tamil Nadu State Marketing Corporation (TASMAC) Ltd., Thanjavur District in Na.Ka.No.2742/RV-2/2015 dated 30.05.2015 and Na.Ka.No.8139/RV-2/2015 dated 08.07.2015 respectively and quash the same as illegal and consequently to direct the the District Manager, Tamil Nadu State Marketing Corporation (TASMAC) Limited, Thanjavur District to reinstate the petitioner into service will all other monetary benefits.

2. Learned counsel appearing for the petitioners would submit that when the petitioners were serving diligently as shop salesmen in TASMAC Nos.8003 and 8139 respectively at Thanjavur, a flying squad of the first respondent had conducted surprise inspection in their respective shops on 17.03.2015 and 07.07.2015 respectively. After inspection, due to certain defects and misconduct, the petitioners were placed under suspension by the District Manager, Tamil Nadu State Marketing Corporation (TASMAC) Ltd., Thanjavur District, by proceedings dated 30.05.2015 and 08.07.2015 respectively. However, from the date of suspension till date, they are not issued any show-cause notice to conduct enquiry. Further the respondents have not come forward to provide even subsistence allowance. In these circumstance, the learned counsel pleaded that this Court has already passed an order in W.P(MD).No.17606 of 2014 on 31.10.2015 giving a direction to the respondent therein to proceed with the disciplinary proceedings and pass final orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order and further direction to the respondents to pay subsistence allowance from the date of suspension including arrears.

3. Learned standing counsel appearing for the respondents submitted that it is only a suspension order passed against the petitioners, after noticing irregularities found by the Inspection Squad.

4. It appears that till date, the petitioners were not paid subsistence allowance and there is no possibility of initiation of departmental proceedings in the near future by issuing notice inviting the petitioner to submit his explanation. Therefore, this Court directs the District Manager, Tamil Nadu State Marketing Corporation (TASMAC) Limited, Thanjavur District to proceed with the disciplinary proceedings and pass final orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Needless to mention that the respondent shall issue the show-cause notice with the charges and thereafter, the petitioner shall submit his explanation and thereafter, the respondent shall appoint an Enquiry Officer and complete the entire exercise. In the meantime, the respondents shall pay subsistence allowance to the petitioners from the date of suspension including arrears.



5. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

WIP COPY

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Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Senior Regional Manager, Tamil Nadu State Marketing Corporation (TASMAC) Ltd., Trichy.

2.The District Manager, Tamil Nadu State Marketing Corporation (TASMAC) Ltd., Thanjavur District.

2CC to P.R. Prithiviraj, Advocate, SR.No.45927, 459236

Common order made in

W.P.(MD)Nos.14300 and 14320 of 2015
and

M.P(MD)Nos.1 and 1 of 2015

3P/5C

AM/AN.MP/LIB/31.08.2015.