



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2015

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P. (MD) No.14549 of 2015

and

MP (MD) No.1 of 2015

M.Gunasekaran

.. Petitioner

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

Prayer : 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 2nd respondent in Na.Ka.No.2720/RV-2/2015 dated 1.4.2015 and quash the same as illegal and consequently to direct the respondents to reinstate the petitioner into service with all other monetary benefits.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.M.Muniyasamy

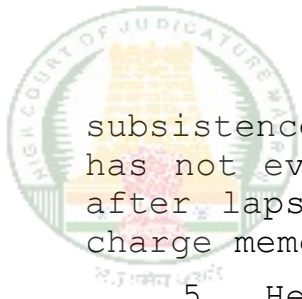
O R D E R

This Writ Petition has been filed by Mr.M.Gunasekaran challenging the order of suspension passed by the second respondent, the District Manager, Tamil Nadu State Marketing Corporation (TASMAC) Limited, Thanjavur District and for a direction to the respondents to reinstate the petitioner into service with continuity of service and all other monetary benefits.

2. Mr.M.Munisamay, learned Standing Counsel, takes notice for the respondents.

3. By consent, the Writ Petition is taken up for final disposal, at the state of admission itself.

4. Mr.P.R.Prithiviraj, learned counsel appearing for the petitioner, would contend that while issuing the suspension order, the second respondent has not even come forward to pay the



subsistence allowance and as a result, till date, the petitioner has not even received any subsistence allowance. That apart, even after lapse of four months, the respondents have not issued any charge memo and initiate any departmental proceedings.

5. Heard the learned Standing Counsel appearing for the respondent.

6. In similar circumstances, this Court in W.P.(MD)No.3883 of 2014, dated 05.03.2014, passed the following order:-

"2. In this Writ petition, the petitioner challenged the order of suspension No.724/A/2013, dated 30.12.2013 passed by the 2nd respondent. The petitioner was working in TASMAC shop and based on certain allegations, he was placed under suspension. Though the Writ petition is filed questioning the order of suspension on merits by contending that the allegations made against the petitioner in the impugned order are not factually correct, I am not inclined to go into the merits of the matter of the simple reason that the impugned order under challenge is only a suspension order and certainly the petitioner is entitled to raise his objections, if the respondents choose to go ahead with the disciplinary proceedings by issuing charge memo etc. Therefore, at this stage, this Court cannot make any observation or express any view on the merits and contentions raised in this Writ petition.

3. Hence, considering the facts and circumstances of the present case, the respondents are given liberty to go ahead with the disciplinary proceedings and complete the same and pass final orders, in accordance with law within a period of three months, from the date of receipt of a copy of this order. Till the final order is passed in the disciplinary proceedings, as stated supra, the petitioner is entitled to get his subsistence allowance from the respondents. If the respondents do not chose to continue the disciplinary proceedings or do not complete the same within the time stipulated as stated supra, the petitioner is entitled for reinstatement immediately thereafter."

7. In the light of the above, the respondents are hereby directed to proceed with the disciplinary proceedings and pass final orders, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. Till such final order is passed in the disciplinary proceedings, the petitioner is entitled to get his subsistence allowance from the date of suspension, including the arrears.



8. The Writ Petition is disposed of, on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

WEB COPY/True Copy/

Sub Assistant Registrar

skn

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.

+1cc to MR.P.R.PRITHIVIRAJ, Advocate Sr.No 46484

JAM/NGM-SS/SAR-J/31.8.15/3P-4C

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