



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P(MD)Nos.21249 and 21251 of 2015

and

M.P(MD)Nos.1,1,2,2,3 and 3 of 2015

P.Panchanathan

... Petitioner in
WP(MD)No.21249/2015

R.Pragadeeswaran

... Petitioner in
WP(MD)No.21251/2015

Vs.

1. The District Manager,
Tamil Nadu State Marketing Corporation,
Thanjavur, Thanjavur District.

2. The Regional Manager,
Tamil Nadu State Marketing Corporation,
Trichy.

...Respondents
in both WPs

Common Prayer: Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 29.09.2015 made in Na.Ka.No.8011/RV-2/2015 issued by the first respondent and quash the same and consequently direct the first respondent to reinstate the petitioners in IMFL Retail Shop No.8011 of Patteeswaram, Thanjavur District with all eligible monetary benefits.

For Petitioner : Mr.S.Muthalraj
in both cases

For Respondents : Mr.C.Kasirajan
in both cases

COMMON ORDER

In view of the fact that the issue involved in both the writ petitions is one and the same, these writ petitions are taken up together and disposed of by a common order.

2.The petitioners in both cases are the employees in the TASMACH shop No.8011 at Patteeswaram in Thanjavur District. They were placed under suspension by order dated 29.09.2015 issued by the first respondent. The impugned suspension order proceeds as if the petitioners were placed under suspension pending criminal case registered in Crime No.600 of 2015 on 29.09.2015 under Sections 24(A)(d) of Tamil Nadu Prohibition Act r/w. Sections 272, 420 I.P.C by the Prohibition and Enforcement Wing, Kumbakonam.



3.The crux of the allegations in the criminal case is that the petitioners have added water in the liquor bottles and sold those bottles and thereby caused a loss of Rs.8,380/- to TASMAL. If the petitioners are placed under suspension, pending disposal of the criminal case for an indefinite period, the first respondent has to pay the subsistence allowance to the petitioners during the said period. Hence, this Court directed the learned counsel for the respondents to get instructions on the same.

4.Today, on instructions, the learned counsel for the respondents submitted that the first respondent has contemplated to initiate departmental action on the same set of charges for which criminal case is pending and the petitioners could be placed under suspension till the disciplinary proceedings is over. The learned counsel submitted that the suspension could be read as one of pending departmental action. The learned counsel for the respondents also submitted that final orders would be passed in the disciplinary proceedings within a period of six months.

5.Recording the said statement, both the Writ Petitions are disposed of directing the first respondent to issue charge sheet and conduct enquiry and thereafter, pass orders in accordance with law within a period of six months from the date of receipt of a copy of this order. Till the final order is passed in the disciplinary proceedings, the petitioners shall be paid subsistence allowance. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

srm

To

1. The District Manager, Tamil Nadu State Marketing Corporation, Thanjavur, Thanjavur District.
2. The Regional Manager, Tamil Nadu State Marketing Corporation, Trichy.

+one cc to Mr.S.Muthuraj, Advocate in SR.No.68994

W.P(MD) Nos.21249 and 21251 of 2015
and M.P(MD) Nos.1,1,2,2,3 and 3 of 2015
01.12.2015

CSL/SKS-RR/10.12.2015
2P/4C