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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2015

CORAM :

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

Writ Petition (MD) No.2455 of 2015

and

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

S.K.Balasubramanian

... Petitioner

Vs.

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

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent vide his proceedings in Na.ka.No. A2/1650/2012 dated 01.09.2012 and quash the same as illegal and consequently to direct the Respondent to reinstate the petitioner into the service and pass any other orders.

For Petitioner : Mr.G.V.Vairam Santhosh

For Respondents : Mr.M.Muniyasamy for TASMAC

ORDER

Heard the learned counsel appearing for the petitioner and Mr.M.Muniyasamy, learned counsel takes notice for 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 of suspension. The petitioner was working as an employee of the TASMAC Corporation in a liquor shop. He was placed under suspension on 01.09.2012 on an allegation that the lessor quantity of alcohol was found in the liquor bottle and that water got mixed with the liquor. Even though such suspension order was made as early as on 01.09.2012, till this date, no further proceedings has been initiated against the petitioner and therefore, the petitioner is before this Court challenging the order of suspension.

3.In similar circumstances, this Court has considered and passed order in respect of similarly situated persons in W.P(MD)No.19881 of 2013 dated 10.12.2013.

4.I myself also followed the above said order in other similar matters. Considering all the facts and circumstances, the following order is passed:-

"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 any disciplinary proceedings as stated supra and pass final orders within the time stipulated, the petitioner is entitled to be reinstated into service immediately thereafter".

5.With the above directions, the writ petition is disposed of. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar

To

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

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

+1cc to Mr.Vairam Santhosh,Advocate SR.No.9307

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sms

PA/05.03.2015/P2/4C