



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17/4/2015

C O R A M

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.5692 of 2015

and

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

R.Anbarasan

... Petitioner
Vs

1. The Senior Regional Manager
Tamil Nadu State Marketing
Corporation Limited
Trichy.

2. The District Manager
Tamil Nadu State Marketing
Corporation Limited
Thanjavur.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.7861/RV-2/2014 dated 12/11/2014 and quash the same and consequently direct the respondents to regularise the period of suspension as on duty and pay the arrears of salary along with other attendant benefits and monetary benefits.

For Petitioner ... Mr.Veerakathiravan

For Respondents ... Mr.M.Muniyasamy
Standing Counsel

O R D E R

In this writ petition, the Petitioner is aggrieved against the order of suspension.

2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

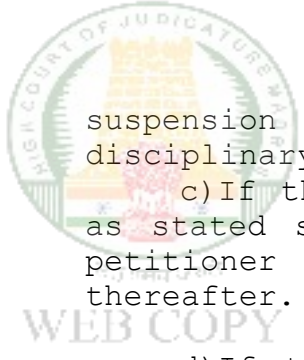
3. It is seen that the petitioner was placed under suspension by the impugned order dated 12.11.2014, based on certain allegations. Now, even after a long period, the petitioner is not either reinstated or given subsistence allowance so far. Therefore, it is the contention of the petitioner that the suspension order should be set aside.

4. 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.

5. Considering all the facts and circumstances, the following order is passed:

a) It is open to the respondents 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 respondents passes the final orders in the disciplinary proceedings.

c) If the respondents 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.

d) If the petitioner is entitled to get subsistence allowance, the same shall be paid and the enquiry shall be conducted on day-to-day basis, and even on holidays. If the petitioner prolongs the enquiry, he cannot demand reinstatement, as per paragraph 5(c), mentioned supra.

6. With these directions and observations, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(writs)

/True Copy/

Sub- Assistant Registrar

To

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

+1cc to Mr.Veera Kathiravan, Advocate SR.No.19699

sm:08.05.2015:2P/4C

mpk

W.P. (MD) No.5692 of 2015
17/4/2015