

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.06.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.17131 to 17133 of 2016
& W.M.P.Nos.14586 to 14590 of 2016

A.Rameshkumar	.. Petitioner [in W.P.No.17131 of 2016]
T.Sivakumar	.. Petitioner [in W.P.No.17132 of 2016]
R.Murugesan	.. Petitioner [in W.P.No.17133 of 2016]

Vs.

The District Manager,
[Retail Vending],
TASMAC, Tirupur District,
Angeripalayam,
Tirupur.

.. Respondent
[in all W.Ps.]

COMMON PRAYER : Writ Petitions have been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the proceedings of the respondent in Na.Ka.No.183/2016/A dated 13.02.2016 and quash the same consequently direct the respondent to reinstate the petitioners as Salesman and Assistant Salesman respectively in the respondent TASMAC shop.

For Petitioner : M/s.M.Subha
[in all W.Ps.]

For Respondent : Mr.Nedunchezhiyan
[in all W.Ps.] Standing Counsel for TASMAC

COMMON ORDER

These Writ Petitions have been filed to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the proceedings of the respondent in Na.Ka.No.183/2016/A dated 13.02.2016 and quash the same consequently direct the respondent to reinstate the petitioners as Salesman and Assistant Salesman respectively in the respondent TASMACH shop.

2.The petitioners joined service as Salesman and Assistant Salesman on 23.12.2003 and 30.01.2004 on temporary basis by depositing Rs.15,000/- each as security deposit and they were directed to take charge at Shop Nos.1895, 1987 and 2327 at Pollachi and Udumalpet respectively. Based on certain allegations, they were suspended from service vide order dated 13.02.2016. However, according to the petitioners, till date no charge sheet has been filed. It is their further contentions that if no charge sheet is filed beyond a period of 90 days from the date of suspension, they have to be reinstated into service. The petitioners have got no other alternative except to approach this Court to quash the impugned order dated 13.02.2016 and hence, these Writ Petitions have been filed.

3.M/s.M.Subha, learned counsel for the petitioners would submit

that the issue of order of suspension cannot be prolonged continuously for long time as per the well settled legal position enunciated by the Hon'ble Apex Court in the case of ***Ajay Kumar Choudhary vs. Union of India through its Secretary and another passed in Civil Appeal No.1912 of 2015 dated 16.02.2015***. She would also contend that pursuant to the ratio laid down by the Hon'ble Apex Court in **Ajay Kumar Choudhary's** case (cited supra), the Government also has issued a circular in Letter No.13519/N/2015-1, dated 23.07.2015 for implementation of the direction issued by the Apex Court wherein the Apex Court while fixing limitation on the period of suspension had directed as follows:

(i) The currency of a suspension order should not extend beyond three months if within this period the Memorandum of Charges/Charge sheet is not served on the delinquent officer/employee;

(ii) If the Memorandum of Charges/Charge sheet is served a reasoned order must be passed for the extension of the suspension.

The Departments of Secretariat and Heads of Departments are therefore requested to follow the directions ordered by the Hon'ble Supreme Court of India on the limitations in the period of suspension in letter and spirit.”

4. According to the learned counsel for the petitioners, in the case on hand, the petitioners were suspended as early as 13.02.2016 and even

though no charge sheet has been filed till date and hence, she would pray for the disposal of the same.

5.Mr.Nedunchezhiyan, the learned Standing Counsel for TASMACH has got no serious objection to consider the representations of the petitioners and pass appropriate orders, on merits and in accordance with law.

6.Considering the submissions made on either side, this Court, directs the petitioners to submit their representations within a period of seven days from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to dispose of the same in the light of the decision of the Hon'ble Apex Court in Ajay Kumar Choudary's case [cited supra].

7.These Writ Petitions are disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

20.06.2016

Index : Yes / No
Internet : Yes
sri

To

The District Manager,
[Retail Vending],
TASMAC, Tirupur District,
Angeripalayam,
Tirupur.

B.RAJENDRAN, J.

sri

W.P. No.17131 to 17133 of 2016

20.06.2016