

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. No.9381 of 2013

and

M.P.No.1 of 2013

L.Kingston

... Petitioner

Vs.

The District Manger (North),
Tamil Nadu State Marketing Corporation,
B-4, Ambattur Industrial Estate,
Chennai - 600 058.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in Se.Mu.No.A1/350/2011, dated 13.09.2011 and quash the same and consequently direct the respondent to reinstate the petitioner in service with all attendant benefits.

For Petitioner : Mr.P.Rajendran

For Respondent : Mr.C.Kasirajan,
Standing Counsel

O R D E R

The petitioner has challenged his impugned suspension order by way of this Writ Petition.

2. The case of the petitioner is that the suspension order was passed way back in the year 2011 and in view of the prolonged suspension, the petitioner seeks for revocation.

3. The learned counsel for the respondent on the other hand would submit that pursuant to the suspension order an enquiry was conducted and a final order was awarded. The Enquiry Officer has already filed his report before the first respondent and further orders are awaited. As rightly pointed out by the learned counsel for the petitioner, the petitioner has been kept under suspension from the year 2011 onwards and therefore he would be entitled for re-consideration.

4. Hence, on the basis of the principles laid down in 2015(2) SCALES 432 (Ajay Kumar Choudhry V. Union of India), the petitioner is permitted to make an application to the respondent, seeking for re-consideration of the suspension order and on such receipt of the application, the respondent is directed to pass necessary orders, within a period of four weeks from the date of copy of this order. It is needless to point out that the respondent is expected to act upon the enquiry report, as submitted by the Enquiry Officer with regard the charges framed against the petitioner.

5. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

6. At this juncture, the learned counsel for the petitioner submits that no subsistence allowance was paid to the petitioner for the entire period of suspension. The learned counsel for the respondent submits that the petitioner would not be traced though they had taken earnest efforts to pay the subsistence allowance. In view of the said submission, the respondent is directed to pay the entire subsistence allowance within a period of four weeks from the copy of the receipt of the order.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsi2

To

The District Manger (North),
Tamil Nadu State Marketing Corporation,
B-4, Ambattur Industrial Estate,
Chennai - 600 058.

+1cc to Mr.C. Kasirajan, Advocate, S.R.No.64261

KS(CO)
EU(09/12/2016)

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