

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.25641 of 2016 and W.M.P.Nos.21976 to 21978 of 2016
and
W.P.No.25595 of 2016 and W.M.P.Nos.21955 to 21957 of 2016

W.P.No.25641 of 2016:

S.Sivadass .. Petitioner

-vs-

The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Nagapattinam District at
Industrial Estate, Thirubuvanam,
Thiruvudaimaruthur Taluk. .. Respondent

W.P.No.25595 of 2016:

V.Radhakrishnan .. Petitioner

-vs-

The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Nagapattinam District at
Industrial Estate, Thirubuvanam,
Thiruvudaimaruthur Taluk, Nagai District. .. Respondent

Petitions filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the records from the respondent relating to the order bearing Na.Ka.No.286/2016/A dated 07.06.2016 and quash the same.

For Petitioner in both
the writ petitions :: Mr.S.Ayyathurai

For Respondent in both :: Mr.Kasirajan
the writ petitions

COMMON ORDER

The petitioners in both these writ petitions are employees of M/s.Tamil Nadu State Marketing Corporation Limited. According to them, the TASMAC shop in question met with a fire accident and an F.I.R. has also been registered. It has been found out

that there was a huge loss on account of the fire accident. By order dated 06.05.2016, the petitioners were placed under suspension. According to the petitioners, after closure of the shop, they left the shop and only thereafter the accident had occurred, and even the First Information Report states so. Therefore, according to the petitioners, they are not responsible for the fire accident. In the mean while, show-cause notice has been issued and though it is styled as show-cause notice asking for explanation, according to the petitioners, the respondent is proposing to impose punishment on the petitioners. The petitioners further state that they have been put to harassment and hence they have filed the present writ petitions.

2.The learned counsel for the petitioners has submitted that the petitioners have submitted their explanation for the show-cause notice issued and their representation is that if the respondent passes any order now without any opportunity, they will be put to serious hardship.

3.The learned counsel for the respondent would contend that it is only a show-cause notice and the respondent only wants to conduct enquiry. The learned counsel for the respondent further states that police are investigating the matter as to whether there was any involvement of the petitioners in the fire accident, and the same will be decided after investigation. In any event, since it requires further investigation, the learned counsel for the respondent states that they are not passing any orders without giving opportunity to the petitioners.

4.Heard the learned counsel on either side and perused the materials available on record.

5.It is seen that the petitioners have given reply to the show-cause notice dated 07.06.2016 issued by the respondent. Hence, the respondent is directed to consider the same, after conducting proper enquiry and affording reasonable opportunity to the petitioners on the alleged charges made against them, and pass appropriate orders in the disciplinary proceedings, as expeditiously as possible. It is made clear that if the enquiry is not completed within a period of six months, the suspension of the petitioners has to be reviewed in accordance with the decision of the Hon'ble Supreme Court in Ajay Kumar Choudhary v. Union of India, reported in (2015) 7 SCC 291. Further, the petitioners shall be given subsistence allowance during the period of suspension, as eligible.

6.The writ petitions are disposed of accordingly. No costs.
Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

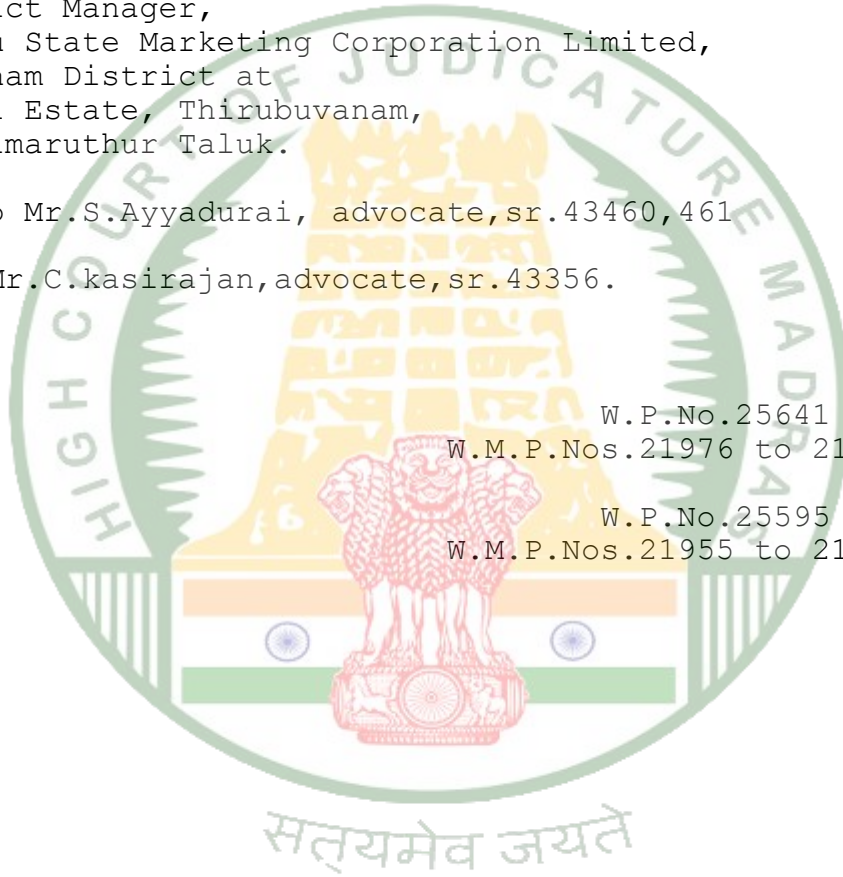
The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Nagapattinam District at
Industrial Estate, Thirubuvanam,
Thiruvudaimaruthur Taluk.

+2 cc's to Mr.S.Ayyadurai, advocate,sr.43460,461

+1 cc to Mr.C.kasirajan,advocate,sr.43356.

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