

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM

THE HON'BLE MR. JUSTICE M.S. RAMESH

W.P.No.24561 of 2013

M.P. Nos. 1 & 2 of 2013

D.ChakkarawarthyPetitioner

Vs.

1. The District Manager,
"TASMAC"
Thiruvannamalai.
Thiruvannamalai District.

2. The Senior Regional Manager,
"TASMAC"
Salem - 16.

....Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certioraraified Mandamus to call for the records in relating to impugned Order in Na.Ka.R.V.2/4513/13, dated 06.05.2013 on the file of first respondent and quash the same and direct the respondent to restore the petitioner in service with all consequential benefits attached to post and grant such other relief as deems fit to this Hon'ble Court.

For Petitioner : Mr.P.Ganapathy
For Respondents : No Appearance

O R D E R

Heard Mr.P.Ganapathy, learned counsel for the petitioner. None appeared on behalf of the respondents.

2. In this writ petition, the petitioner has challenged the suspension order dated 06.05.2013 issued by the first respondent. According to the petitioner, the TASMAC shop, in which he was working as Supervisor, was set on fire by anti-social elements and a sum of Rs.52,770/- which was kept in the shop, was burnt. Following that incident an FIR was registered against the petitioner for the offences under the P.P.D. Act. In view of the loss sustained by the respondents and pending the

criminal proceedings the petitioner was kept under suspension by an order dated 06.05.2013. Pursuant to the suspension, the petitioner had deposited a sum of Rs.52,770/- under protest with the respondent.

3. According to the learned counsel for the petitioner though the FIR was lodged way back in 03.05.2013, no charge sheet has been filed till date. More over the respondent had also not been served with a charge memo, till date.

4. Relying on the Judgement of the Hon'ble Supreme Court in 2015(2) SCALES 432 (Ajay Kumar Choudhry Vs. Union of India) and on the order of this Court dated 26.09.2016 made in W.P. No. 8033 of 2016, the learned counsel for the petitioner would submit that the currency of suspension order should not be extended beyond the period of three months, if within this period, the charge sheet has not been served on the delinquent officials. Though notice was ordered way back on 03.07.2013 on the respondents in this writ petition, they have not filed any counter affidavit, till date.

5. In view of the fact that the respondents have not served the charge sheet on the petitioner which is in violation of principles laid down in the decision of the Hon'ble Supreme Court in Ajay Kumar Choudhry's case, the writ petition has to be allowed, and is accordingly allowed. Consequently, the suspension order in Na.Ka.R.V.2/4513/13, dated 06.05.2013 on the file of the respondent is quashed. The respondents are directed to forthwith reinstate the petitioner, within a period of two weeks from the date of receipt of a copy of this Order. All monetary and service benefits which the petitioner would be entitled to in view of this order, shall be paid within the aforesaid period of two weeks.

6. With the above observations, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Manager,
"TASMAC"
Thiruvannamalai.
Thiruvannamalai District.

2. The Senior Regional Manager,
"TASMAC"
Salem - 16.

+lcc to Mr.P. Ganapathy, Advocate, S.R.No.64169

nr(CO)
md(23/11/2016)

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