

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32018 of 2016  
& WMP No.27767 of 2016

- 1 S.Navakodi Narayanan ... Petitioner
- vs.
- 1 The Managing Director,  
Tamilnadu State Marketing  
Corporation Ltd.  
CMDA Tower II,  
IV Floor, Gandhi Irwin Road,  
Egmore, Chennai-8.
- 2 The District Manager,  
Tamilnadu State Marketing  
Corporation Ltd.  
Namakkal District. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus calling for the proceedings of the 2nd respondent in Se.Mu.Na.Ka. 1358/B1/ CV/2014 dated 12.6.2014 quash the same in respect of the petitioner herein and consequently direct the respondents herein to reinstate the petitioner with all consequential and attendant benefits.

For Petitioner : Mr.B.K.Girish Neelakantan

For Respondents : Mr.B.Nedunchezian

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The present writ petition has been filed challenging the proceedings of the second respondent in Se.Mu.Na.Ka. 1358/B1/ CV/2014 dated 12.6.2014 in respect of the petitioner herein and consequently direct the respondents herein to reinstate the petitioner with all consequential and attendant benefits.

3. The case of the petitioner is that he was appointed in TASMAL Retail Outlet Shop No.5975 situated at Kumarapalayam, Namakkal District. He received a consolidated pay of Rs.3,000/- per month. However, as a precondition, he was directed to deposit a sum of Rs.15,000/- as security deposit and the same was also deposited by him. While so, when the petitioner was working in the said shop, a surprise inspection was conducted by the second respondent and found out adulteration of water in the liquor bottles, which were alleged to be sold in the retail outlet. Hence, the petitioner was placed under suspension from 12.2.2015 alleging that he is responsible for the act of adulteration. Thereafter, the second respondent appointed an enquiry officer and the petitioner attended the enquiry and submitted his explanation. Based on the enquiry report, the petitioner was called upon by the second respondent for further enquiry and the petitioner submitted his further explanation. Thereafter, the petitioner approached the second respondent for revoking the suspension order and to reinstate him into service. But, till date, there was no response. Further, from the date of suspension, the authority has never paid the subsistence allowance. Hence, challenging the same, the petitioner has come up with the present writ petition.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the respondents submitted that the enquiry pending against the petitioner was completed and final order is yet to be passed.

5. Since in the enquiry pending against the petitioner was completed and final order is yet to be passed, this Court is not inclined to quash the impugned order. At this juncture, learned counsel appearing for the petitioner submitted that the subsistence allowance has not been paid to the petitioner. So far as the subsistence allowance is concerned, the petitioner is at liberty to approach the respondents by submitting a representation and on submitting such representation, the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law. If already representation is pending in this regard, the respondents are directed to dispose of the same and pass appropriate orders as expeditiously as possible. The writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1 The Managing Director  
Tamilnadu State Marketing Corporation Ltd.  
CMDA Tower II  
IV Floor, Gandhi Irwin Road  
Egmore, Chennai-8.

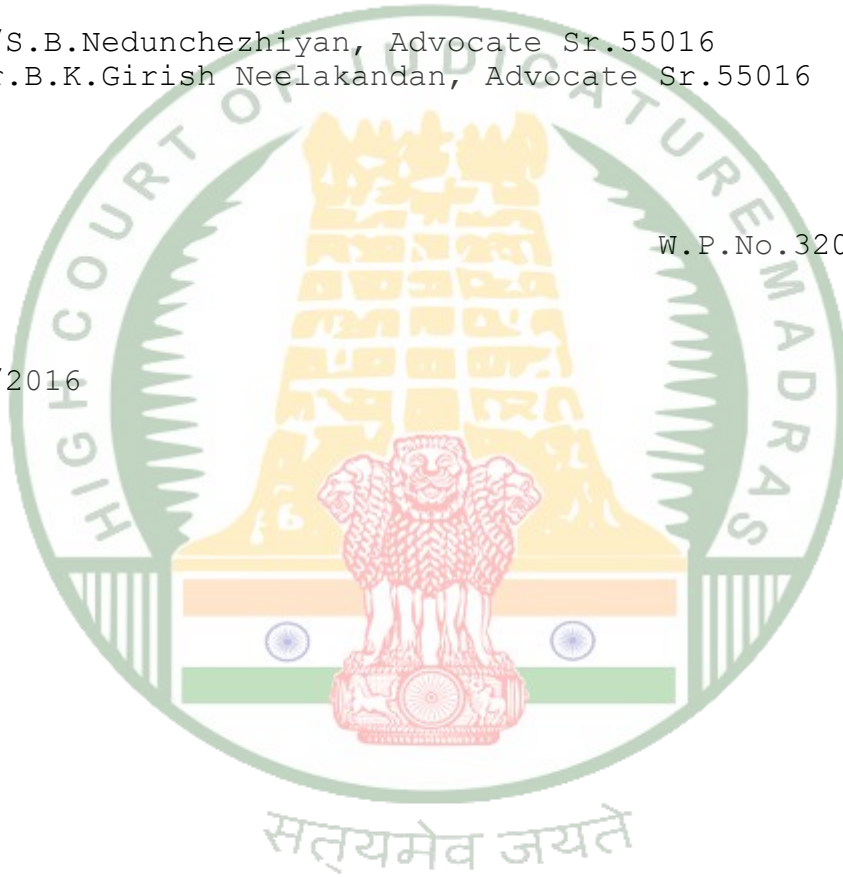
2 The District Manager  
Tamilnadu State Marketing Corporation Ltd.  
Namakkal District.

+lcc to M/S.B.Nedunchezhiyan, Advocate Sr.55016

+lcc to Mr.B.K.Girish Neelakandan, Advocate Sr.55016

W.P.No.32018 of 2016

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srg 01/11/2016



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