

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32543 of 2016

C.Palanisamy

Supervisor

Tamil Nadu State Marketing Corporation

Shop No.11465

Trichy Main Road

Near Rahamath Commercial Complex

Villupuram - 605 602.

... Petitioner

vs.

1. Tamil Nadu State Marketing Corporation Ltd.,

Rep.by its Managing Director

CMDA Tower - II, 4th Floor,

Gandhi-Irwin Bridge Road,

Egmore, Chennai - 600 008.

2. District Manager,

Tamil Nadu State Marketing Corporation Ltd.,

59, A, Chennai Trunk Road,

Near Warehouse Complex Pvt. Ltd.,

Villupuram - 605 602.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the Respondents to pay wages for the period from 18.12.2014 to 15.05.2015 and treat the said period as period rendered service for all purpose and grant all the attendant benefits.

For Petitioner : Mr.V.Kadhirvelu

For Respondents : Mr.B.Nedunchezhiyan

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the Respondents to pay wages for the period from 18.12.2014 to 15.05.2015 and treat the said

period as period rendered service for all purpose and grant all the attendant benefits.

3. It is the case of the petitioner that the petitioner is working as a Supervisor in the Liquor Shop under the respondent-Corporation. When he was working as a Supervisor in Shop No.11472, Villupuram Town, Villupuram District, he was placed under suspension on 18.12.2014 from the service on the ground of deficit stock to the tune of Rs.41,108/-. Thereafter, the order of suspension was revoked on 16.05.2015.

4. According to the petitioner, he was working as a Supervisor in Shop No.11472, Villupuram Town, Villupuram District and one A.Manikandan was also working as a Salesman in the said shop. The petitioner had given complaint dated 17.04.2014 and 28.10.2014 to the second respondent in respect of A.Manikandan's irregularities and illegality in handling the liquor vending business, but, no action was taken by the second respondent.

5. While so, there was an inspection in the shop No.11472 on 17.12.2014, the petitioner was suspended in respect of the stock deficit a sum of Rs.41,108/-. Thereafter, the respondent - Corporation knowing the fact that only A.Manikandan and one R.Veerassamy are responsible for deficit of stock, placed them under suspension. Thereafter, the order of suspension was revoked only on 16.05.2015. Hence, the petitioner had given representations dated 06.11.2015 and 22.01.2016 for regularizing his suspension period i.e. from 18.12.2014 to 15.05.2015 and to pay the wages for that suspension period, but, no action was taken on the representations given by the petitioner. Hence, the petitioner has come before this Court.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the TSMAC.

5. Considering the submissions made on either side, this Court, without going into the merits of the claim projected by the petitioner, directs the petitioner to give a fresh representation to the first respondent, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order, and the first respondent, on receipt of the same, is directed to consider the said representation, with regard to regularizing his suspension period i.e. from 18.12.2014 to 15.05.2015 and to pay wages on the said suspension period and pass appropriate orders, on merits and in accordance with law, within a further period of four weeks thereafter.

9.The writ petition is disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sms

To

1. Tamil Nadu State Marketing Corporation Ltd.,
Rep.by its Managing Director
CMDA Tower - II, 4th Floor,
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Egmore, Chennai - 600 008.
2. District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
59, A, Chennai Trunk Road,
Near Warehouse Complex Pvt. Ltd.,
Villupuram - 605 602.

+1 cc to Mr.V.Kadhirvelu Advocate sr 53780

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