

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.39106 of 2016

WMP.No.33494 of 2016

J.P.Murugavel

.. Petitioner

vs.

The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
No.59-A, Ware Housing Corporation,
Chennai Trunk Road,
Villupuram-605 602.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to pass final order in disciplinary proceeding, pursuant to the suspension order dated 04.08.2014 within a time frame.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.B.Neduncheziyan

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondent to pass final orders in disciplinary proceeding, pursuant to the suspension order dated 04.08.2014 within a time frame.

2. The petitioner was appointed as a Salesman in the respondent Corporation and working in Shop No.11424 at Gingee Town, Villupuram District and having unblemished record of service. While so, the respondent herein conducted a surprise inspection on 03.08.2014 and at that time, the petitioner was in hospital for treatment of his wife and the respondent noted some irregularities in the above said shop. To his shock and surprise, a suspension order dated 04.08.2014 was issued against the petitioner for some irregularities noted in the above shop, while conducting inspection and thereafter, a charge memo dated 21.11.2014 was issued to the petitioner and the petitioner has also submitted a reply and enquiry was conducted on 28.11.2014 and the petitioner appeared before the Enquiry Officer on 28.11.2014 and in the enquiry, the petitioner was simply asked to sign in a written statement and leave. The Enquiry Officer submitted his report dated 19.12.2014, based on which the respondent issued a second show cause notice dated 31.12.2014,

for which the petitioner sent his reply dated 06.01.2015. Thereafter, till date no order has been passed in the disciplinary proceedings and hence, the petitioner has come forward with this writ petition.

3. When the matter is taken up for consideration, the learned counsel appearing for the petitioner submitted that the petitioner has not been paid any subsistence allowance during the period of suspension and hence, the respondent may be directed to pay subsistence allowance for the suspension period.

4. Heard the learned Standing Counsel for the respondent Board and also perused the entire materials available on record.

5. In view of the above facts and circumstances of the case, this Writ Petition is disposed of directing the respondent to complete the disciplinary proceedings based on the suspension order dated 04.08.2014 and pass final orders within a period of six weeks from the date of receipt of a copy of this order. The respondent is further directed to pay the arrears of subsistence allowance to the petitioner, if not paid, as alleged by the petitioner, within a period of four weeks, and thereafter, the petitioner shall be paid the subsistence allowance on or before 10th of every succeeding English calendar month. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jvm

To

The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
No.59-A, Ware Housing Corporation,
Chennai Trunk Road,
Villupuram-605 602.

+1 cc to M/s.K.Sasindran Advocate sr 66401

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