

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No.41599 of 2016

T.S.Narasimhalu

...Petitioner

-Vs-

The District Manager,
Tamilnadu State Marketing Corporation Ltd (TASMAC)
SIDCO Industrial Estate,
29,30 Kakalur, Tiruvallur taluk,
Tiruvallur District.

...Respondent

This petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 25.08.2015 .

For Petitioner : Mr.N.Ganeshmurthy
For Respondents : Mr.C.Kasirajan

O R D E R

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

2. The petitioner would state that he was appointed as a Bar Tenderer by the respondent in respect of Shop No.8873, 91/1 Bye pass Road, Redhills, by proceedings dated 23.10.2004 and he has also made necessary security deposit. The petitioner would state that while he was diligent, honest and sincere in performing the duties to the satisfaction of the superior officers, there was a sudden surprise inspection on 30.12.2010 wherein the respondent is said to have found mixing of water in the liquor thereby caused loss to the revenue of the respondent Corporation. It is the specific case of the petitioner that he was on leave between 24.12.2010 and 31.12.2010 and he has

nothing to do with the alleged misconduct and a charge memo was also issued to him on 10.05.2011 and subsequently, no progress has been made so far.

3. Learned counsel for the petitioner would submit that on account of prolonged suspension, he is put to grave hardship and irreparable loss and he also drawn the attention of this Court to the order dated 08.04.2011 made in W.P.No.8994 to 8997 of 2011 (V.Sankar & 3 others vs. The District Manager, Tamilnadu State Marketing Corporation Ltd, (TASMAC) Sidco Industrial Estate, Tiruvallur Taluk, Tiruvallur District) and would submit that for similarly placed persons, this Court has directed the respondent therein who is also the respondent herein to complete the disciplinary proceedings within a stipulated time and stated that the concerned petitioners were reinstated in service and therefore, prays for appropriate orders.

4. This Court heard the submission of the learned counsel for the petitioner and the learned standing counsel appearing for the TASMAC.

5. In *Ajay Kumar Choudhary v. Union of India* through its Secretary and another reported in 2015 (2) SCALE 432, it has been observed that the suspension order should not extend beyond the period of three months. Therefore, in the light of the fact that the person is kept under suspension for nearly six years and taking into consideration that for the similarly placed persons, the disciplinary proceedings were concluded in reinstatement in service and also taking note of the order dated 08.04.2011 made in W.P.Nos.8994 to 8997 of 2011 submitted by the petitioner, the respondent is directed to expedite and conclude the disciplinary proceedings and pass orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the writ petitioner. The writ petition is disposed of accordingly. No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

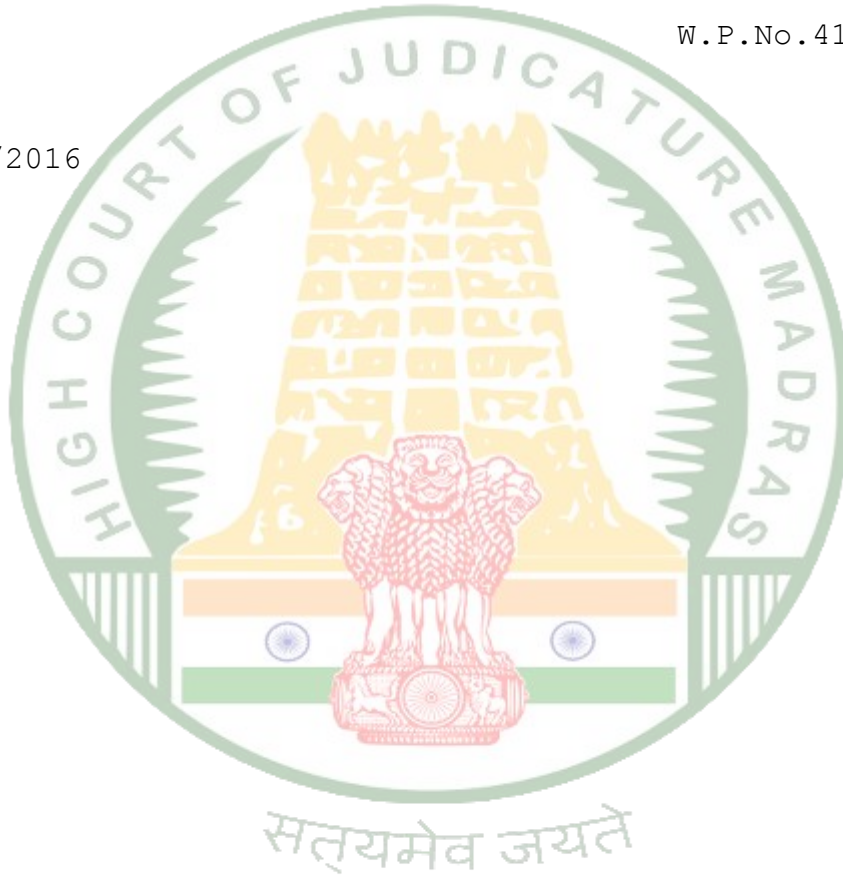
To
The District Manager,
Tamilnadu State Marketing Corporation Ltd (TASMAC)
SIDCO Industrial Estate,
29,30 Kakalur, Tiruvallur taluk,
Tiruvallur District.

+ 1 cc to Mr.N.Ganeshmurthy, Advocate Sr.No.71641

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CO/GJ

RRI 29/12/2016



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