

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43269/2016 & WMP.No.37109/2016

C.Palanisamy

..

Petitioner

Vs

The District Manager
Tamil Nadu State Marketing Corporation
Limited, no.59A, Chennai Trunk Road
Ware House Corporation Complex
Villupuram - 605602.

...

Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records connected with the proceedings issued in Na.Ka.No.RV.03/11/[11465]/2016 dated 21.11.2016 passed by the respondent herein and quash the same and consequently, direct the respondent to reinstate the petitioner into service.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.B.Nedunchezhan

ORDER

By consent, the writ petition is taken up for final disposal. Mr.B.Nedunchezhan, learned counsel accepts notice on behalf of the respondent.

2 The petitioner claims to be an Otherwise Abled [Physically challenged] and joined the services of the Tamil Nadu State Marketing Corporation Limited [TASMAC Ltd] as Supervisor on 29.11.2003 and he was transferred to various TASMAC shops located in Villupuram District. The petitioner was transferred to Shop No.11465 on 25.08.2015. The petitioner would further state that on 18.11.2016, the Internal Auditor, namely, Rupa Shekar Associates, Chennai-17, has conducted an inspection and found the stock deficit to the tune of Rs.3,04,248/- and therefore, the salesmen, viz., Tvl.A.Sivaraman, S.Gopinathan, V.R.Ramesh and the Supervisor, viz., the petitioner herein, were held to be responsible and therefore, vide impugned order dated

21.11.2016, passed by the respondent, all of them were placed under suspension and challenging the legality of the order, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that one of the Salesmen, viz., S.Gopinathan submitted a letter dated 18.11.2016 to the respondent, admitting his role as to the deficit in stock and as such, there cannot be any impediment on the part of the respondent to review the order of suspension and prays for appropriate orders.

4 This Court heard the submissions of Mr.B.Nedunchezian, learned counsel appearing for the respondent.

5 The competency of the authority to place the petitioner under suspension is not in serious dispute. According to the learned counsel for the petitioner since one of the Salesmen, viz., S.Gopinathan, had admitted his guilt, there cannot be any impediment on the part of the respondent to review the order of suspension.

6 This court, taking into consideration the above submission and also the facts and circumstances, is of the view that it would suffice to permit the petitioner to submit a representation to the respondent praying for reviewing the order of suspension and the respondent on receipt of the same, to consider the same in accordance with law and pass appropriate orders.

7 In the result, the writ petition stands disposed of and the petitioner is at liberty to submit a representation to the respondent for reviewing the order of suspension within a period of two weeks from the date of receipt of a copy of this order and the respondent, on receipt of the same, is directed to consider the said representation on merits and in accordance with law and pass orders within a further period of four weeks thereafter and communicate the decision taken, to the petitioner. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant registrar(CS II)

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sub assistant registrar

AP

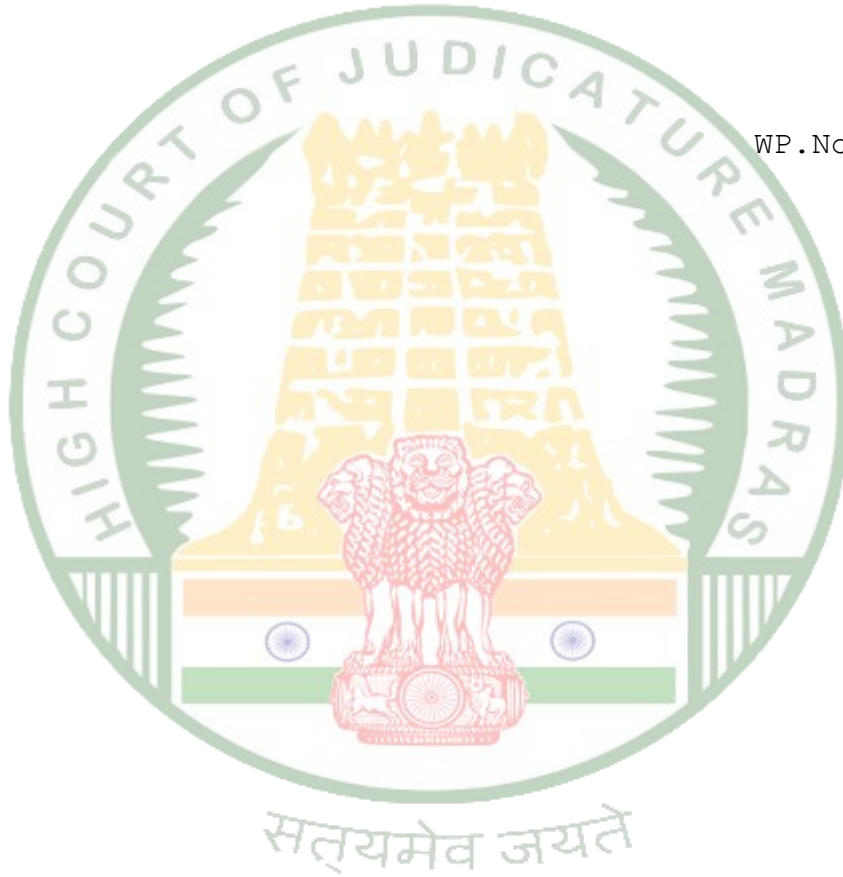
To

The District Manager
Tamil Nadu State Marketing Corporation
Limited, no.59A, Chennai Trunk Road
Ware House Corporation Complex
Villupuram - 605602.

+1 CC to M/s. S. Ilamvaludhi, Advocate SR 73083

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WP.No.43269/2016



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