

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4721 of 2016

G.Ravikumar

... Petitioner

Vs.

1. The Managing Director,  
Tamil Nadu State Marketing Corporation Ltd.,  
CMDA Tower II, IV floor,  
Gandhi Irwin Road, Egmore,  
Chennai-600 008.

2. The District Manager,  
Tamil Nadu State Marketing Corporation Ltd.,  
Udhagamandalam,  
Nilgiris District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the proceedings of the second respondent in Na.Ka.049/2012 RV dated 10.05.2012 and 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.Neduncheziyan

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Certiorarified Mandamus to quash the proceedings of the second respondent in Na.Ka.049/2012 RV dated 10.05.2012 and direct the respondents herein to reinstate the petitioner with all consequential and attendant benefits.

2. The petitioner was appointed as a Salesman on 09.01.2004 in the TASMAC retail outlet on a consolidated pay of Rs.3,000/- p.m. While he was working in Retail Shop No.8268 on 09.05.2012, a surprise inspection was conducted by the second respondent and it was found that the petitioner, by diluting the liquor by adding water, was selling the same in bottle. Hence, the second respondent initiated criminal complaint against the petitioner and also placed him under

suspension along with Shop Supervisor on 10.05.2012. The petitioner appeared before the second respondent and submitted his explanation on 20.12.2012 and denied the charges levelled against the petitioner. The second respondent, without conducting any enquiry, kept the petitioner under suspension for the past 3 years. Hence, the petitioner has come forward with this writ petition.

3. Though the petitioner has challenged the suspension order dated 10.05.2012, the learned counsel appearing for the petitioner submitted that, if this Court is not inclined to quash the suspension order, then, a direction may be given to the respondents to commence and complete the disciplinary proceedings within the stipulated time, as three years have lapsed from the date of suspension. Further, the learned counsel also submitted that the petitioner has not been paid any subsistence allowance during the period of suspension and hence, the petitioner may also be paid subsistence allowance for the suspension period.

4. Heard the submissions 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 respondents to complete the disciplinary proceedings based on the suspension order dated 10.05.2012 and pass final orders within a period of six weeks from the date of receipt of a copy of this order. The respondents are 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 10<sup>th</sup> of every succeeding English calendar month. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jvm

To

1. The Managing Director,  
Tamil Nadu State Marketing Corporation Ltd.,  
CMDA Tower II, IV floor,  
Gandhi Irwin Road, Egmore,  
Chennai-600 008.

2. The District Manager,  
Tamil Nadu State Marketing Corporation Ltd.,  
Udhagamandalam,  
Nilgiris District.

+1cc to Mr.B.K.Girish Neelakantan, Advocate, S.R.No.66077

W.P.No.4721 of 2016

RP (CO)  
CA(19/12/2016)



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