



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.15352 of 2016

WEB COPY

V.Pratheesan

... Petitioner

-vs-

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC),
Madurai Region, Madurai.

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC),
Thoothukudi District,
Thoothukudi.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 16.10.2015 and to revoke his suspension order by the proceeding of 2nd respondent in Na.Ka.No.A2/921/12 dated 20.05.2012.

For Petitioner : Mr.P.Andiraj

For Respondents : Mr.M.Muniasamy

O R D E R

This Writ of Mandamus has been filed to revoke the order of suspension passed by the second respondent dated 20.05.2012.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3.The learned counsel for the petitioner would submit that neither the disciplinary proceedings have ended in adverse finding as against the petitioner nor the criminal court has found the petitioner guilty. The charge memo dated 03.12.2014 imputes four charges against the petitioner. There is a clear finding in each of the charges that the petitioner is not responsible for the charges alleged and one Karthick who was an independent person, not coming under the control of the respondents is the person guilty of those charges. After enquiry, the petitioner has been exonerated from the four charges.

4.Similarly, the petitioner who is the third accused in C.C.No.31 of 2013 has been acquitted of the charge under Sections 1(1)(a), 24(A)(a) and 12 of the TNP Act and he has been acquitted of four charges by the Judgment dated 28.09.2015.



5.The learned counsel for the petitioner would contend that based on the above said two orders, the order of suspension ought to have been revoked and the petitioner should have been reinstated into service.

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6.The learned Standing Counsel for the respondents would submit that four weeks time is required to pass final orders based on the enquiry report.

7.Inasmuch as the petitioner has been acquitted of the charges by the Criminal Court in respect of case under Prohibition Act as well as he is exonerated from the charges by the Enquiry Officer, this is a fit case to revoke the order of suspension passed against the petitioner.

8.Accordingly, the order of suspension passed by the second respondent dated 18.12.2015 is revoked and the respondents are directed to reinstate the petitioner into service within a period of four weeks from the date of receipt of a copy of this order. But the reinstatement is subject to the outcome of the final orders to be passed based on the enquiry report.

9.The Writ Petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC),
Madurai Region, Madurai.

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC),
Thoothukudi District,
Thoothukudi.

Mj

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