



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2016

WEB COPY

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.5347 of 2016

and

W.M.P (MD) Nos.4805 & 4806 of 2016

Annadurai

... Petitioner

Vs.

1.The Managing Director,
TASMAC Ltd., 4th Floor, CMDA Tower-II,
Egmore, Chennai - 600 008.

2.The Senior Regional Manager,
TASMAC Ltd., Anna Nagar,
Madurai - 20.

3.The District Manager,
Office of the District Manager,
TASMAC Ltd., Sivagangai,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in Na.Ka.No.V2/407/2012, dated 29.03.2012 passed by the third respondent and quash the same and consequently to direct the respondents to reinstate the petitioner as a supervisor at TASMAC shop.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.M.Muniasamy

ORDER

Mr.M.Muniasamy, learned counsel takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The petitioner joined as Supervisor at TASMAC shop No.7735, Vairavanpatty, Thirupatthur Taluk, Sivagangai District. Pursuant to the raid conducted in the said shop by the Inspector of Police, Prohibition Excise Wing, Karaikudi, Sivagangai District, the petitioner was arrested for the offences under Sections 24(A) (D)



of the Tamilnadu Prohibition Act. The said case was taken on file in C.C.No.183 of 2012 on the file of the learned Judicial Magistrate, Karaikudi. Subsequently, the petitioner was also placed under suspension on 29.03.2012. The same was challenged by the petitioner in W.P(MD)No.10913 of 2012 and in which, this Court had upheld the suspension, but directed the authorities to pay full salary to the petitioner therein during the period of suspension. In the meanwhile, the trial in C.C.No.183 of 2012 was concluded and the petitioner was acquitted by the trial Court stating that the prosecution did not prove the case beyond reasonable doubt and the said judgment was passed on 21.01.2016.

4. Now the grievance of the petitioner is that the order of suspension, dated 29.03.2012 has not been proceeded with further and it is kept pending for the last four years. It is also stated that charge-memo was not issued till today. Hence, the petitioner has come forward with the present Writ Petition challenging the suspension order.

5. It is pertinent to note that the Government had also sent a letter to all the Departments to follow the judgment of the Honourable Supreme Court in **Ajay Kumar Choudhary vs. Union of India (UOI) and Others** reported in **2015(3) CTC 119** in true letter and spirit. In spite of the same, the respondents had not taken any action even to issue charge-memo to the petitioner. Though on the very same ground, the charges can be quashed, this Court is inclined to grant time for the third respondent to complete the enquiry within time.

6. Accordingly, the third respondent is directed to issue charge-memo to the petitioner, within a period of two weeks from the date of receipt of a copy of this order and the petitioner is directed to give his explanation within a period of two weeks thereafter and on receipt of the same, the third respondent is directed to complete the enquiry after appointing an Enquiry Officer in this regard, on or before 15.06.2016 and report compliance to this Court.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar



To

1.The Managing Director,
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Egmore, Chennai - 600 008.

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3.The District Manager,
Office of the District Manager,
TASMAC Ltd., Sivagangai,
Sivagangai District.

Copy To:

The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.S.Muniyandi, Advocate Sr.No.15630

pm

AA/AAL-MPA/SAR-I/026.04.2016/3p-6c

W.P (MD) No.5347 of 2016
17.03.2016