



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.07.2016

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WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.5786 of 2016
and
W.M.P(MD)No.5188 of 2016

S.Selvaganapathy

.. Petitioner

vs.

The Deputy Collector/District Manager,
Tamilnadu State Marketing
Corporation Limited, (TASMAC),
Thanjavur District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent's Temporary Service Suspension order in Na.Ka.No:26(8131)2016/RV-2 dated 09.02.2016 and quash the same by directing the respondent to restore the petitioner in the service within the period stipulated by this Court.

For Petitioner :Mr.A.Haja Mohideen
For Respondent :Mr.M.Muniyasamy

ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records of the respondent's Temporary Service Suspension order in Na.Ka.No:26(8131)2016/RV-2 dated 09.02.2016 and quash the same by directing the respondent to restore the petitioner in the service within the period stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. In similar circumstances in W.P(MD)Nos.12465 of 2014(batch) by order dated 04.08.2014, this Court after considering the facts and circumstances issued directions as follows:



"12. Considering the fact that all the petitioners are under suspension, since January 2014 without subsistence allowance, the respondent is directed to consider the petitioners explanation to the show-cause notice, conduct an enquiry, in which, opportunity shall be granted to the petitioners to appear in person and make submissions and thereafter, pass final orders within a period of four weeks from the date of receipt of a copy of this order. If the final orders are not passed within the said time, then the petitioners shall be reinstated and the respondent is further directed to pay subsistence allowance to the petitioners within a period of three weeks.

13. With the above directions, these Writ Petitions are disposed of."

4. In view of the same, this Court directs the respondent to consider the petitioner's explanation to the show-cause notice, conduct an enquiry, giving reasonable opportunity to the petitioner to appear in person and make submissions and thereafter, pass final orders within a period of four weeks from the date of receipt of a copy of this order. If the final orders are not passed within the said time, then the petitioner shall be reinstated and the respondent is further directed to pay subsistence allowance to the petitioner within a period of three weeks.

5. With the above directions, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition in W.M.P.No.5188 of 2016 is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

The Deputy Collector/District Manager,
Tamilnadu State Marketing Corporation Limited, (TASMAC),
Thanjavur District.

+ 1 CC TO MR.A.HAJA MOHIDEEN, ADVOCATE IN SR No. 37052

CM

TE/AAL-MPA/ : 22/07/2016 : 2P/3C