



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) No.9939 of 2016
and
W.M.P (MD) Nos.7838 and 7839 of 2016

D.Thilagar

... Petitioner

Vs.

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

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by respondent in Na.Ka.No.8040/RV-2/2016 dated 26.04.2016 and quash the same as illegal in so far as the petitioner herein is concerned and consequently to direct the Respondent to reinstate the petitioner into service.

For Petitioner
For Respondent

: Mr.C.Jeyaprakash
: Mr.C.Kasirajan

ORDER

The petitioner D.Thilagar has filed this writ petition, seeking issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the District Manager, Tamil Nadu State Marketing Corporation (TASMAC) Ltd., Thanjavur District, in Na.Ka.No.8040/RV-2/2016, dated 26.04.2016, and quash the same as illegal and consequently, to direct the respondent to reinstate the petitioner into service with all other monetary benefits.

2.Learned counsel appearing for the petitioner would submit that, when the petitioner was serving diligently as shop salesman in TASMAC Shop No.8040 at Thanjavur, a Flying Squad of the respondent had conducted a surprise inspection on 26.04.2016. After the inspection, due to certain alleged defects and misconduct, the petitioner was placed under suspension by the District Manager, Tamil Nadu State Marketing Corporation (TASMAC) Ltd., Thanjavur District, by proceedings, dated 26.04.2016. However, from the date of suspension till date, the respondent has not come forward to pay the subsistence allowance to the petitioner. In these circumstances, learned counsel pointed out that this Court had already passed an order in W.P(MD).No.17606 of



2014 on 31.10.2015, giving a direction to the respondent therein to proceed with the disciplinary proceedings and pass final orders on merits and in accordance with law, within a period of three months from the date of receipt of the order copy and also to pay the subsistence allowance from the date of suspension including arrears. He pleaded that similar direction may be issued in this writ petition.

3.Learned standing counsel appearing for the respondent submitted that it is only a suspension order, passed against the petitioner after the Inspection Squad found some irregularities against him.

4.It appears that, till date, the petitioner was not paid with the subsistence allowance and there is no possibility of initiation of departmental proceedings in the near future by issuing notice and inviting the petitioner to submit his explanation. Therefore, this Court directs the District Manager, Tamil Nadu State Marketing Corporation (TASMAC) Limited, Thanjavur District, to proceed with the disciplinary proceedings and pass final orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Needless to mention that the respondent shall issue show-cause notice with the charges, whereupon, the petitioner shall submit his explanation, if not satisfied, thereafter, the respondent shall appoint an Enquiry Officer and complete the entire exercise. In the meantime, the respondent shall pay the subsistence allowance to the petitioner from the date of suspension including arrears.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)Nos.7838 and 7839 of 2016 are closed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To
The District Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC) Ltd.,
Thanjavur District.

+1 cc to M/s.C.Jeyaprakash, Advocate SR.No.28514

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