

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 12.01.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.1056 of 2017

and W.M.P.No.1018 of 2017

S.Premanand

... Petitioner

-Vs-

Tamilnadu state Marketing Corporation,
rep. By its District Manager/Deputy Collector,
Kancheepuram District(south)
Kancheepuram

... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records from the respondent relating to petitioner in the order bearing Na.Ka.No.123/SUS/R1/2016 dated 10.06.2016 and quash the same and consequently direct the respondent to reinstate him in service.

For Petitioner : Mr.K.Balaji

For Respondents : Mr.B.Nedunchezian
Standing Counsel for TSMAC

ORDER

By consent, the writ petition is taken up for final disposal. Mr.B.Nedunchezian, learned Standing Counsel accepts notice for TSMAC/respondent.

2. The petitioner, while working as a Salesman in Shop No.4124, Kancheepuram North District, was placed under suspension by the respondent, vide impugned order dated 10.06.2016, alleging that the internal audit report pointed out that there was deficiency to the tune of Rs.76,652/-. Therefore, the Supervisor Mr.A.Loganathan, Salesmen Mr.A.Kannappan and R.Durai Raj and the petitioner have to face enquiry and hence, placed them under suspension. Challenging the legality of the same, the petitioner came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that admittedly, the internal audit was conducted on 16.11.2015 and

the petitioner was placed under suspension on 10.06.2016 along with 3 others and the shortage amount has also been paid by the said employees and the petitioner has also submitted a representation dated 09.11.2016 and though very many months had lapsed from the date of suspension order, no further proceedings had taken place and therefore, prays for revocation of the order of suspension. Since the representation of the petitioner has not been disposed of, the petitioner is constrained to file this writ petition.

4. Learned Standing counsel appearing for the respondent would submit that on account of the internal audit report, deficiency of Rs.76,652/- was found which contemplated into enquiry and the petitioner and others were rightly placed under suspension.

5. This Court, considered the rival submissions and perused the typed set of documents.

6. Though the petitioner prays for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondent to consider and dispose of the petitioner's representation dated 09.11.2016, submitted for revocation of the order of suspension and reinstatement in service, on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi
To

The District Manager/Deputy Collector,
Tamilnadu State Marketing Corporation,
Kancheepuram District (South)
Kancheepuram.

+1cc to M/s.Balaji, Advocate sr.3255

Writ Petition No.1056 of 2017

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