

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2606 of 2017

and WMP.No.2569 of 2017

R.Thobias

.. Petitioner

vs.

1.The District Manager,

Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC),

Warehousing Corporation,
59-A, Chennai Trunk Road,
Villupuram District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to pay Subsistence Allowance to the petitioner and to pass final order in departmental enquiry at earliest.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.B.Nedunchezian
Standing Counsel for TASMAC

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was employed as a Salesman in the TASMAC Shop No.11798, Villupuram District and to his shock and surprise, he was issued with an order of suspension dated 07.05.2015 on the ground that at the time of inspection, the petitioner was not available in the shop and there was also shortage of amounts to the tune of Rs.32,230/-. The petitioner was issued with a charge memo and an Enquiry Officer was appointed and the Enquiry Officer submitted his report dated 07.12.2015, holding that the charges framed against the petitioner have not been proved. The grievance expressed by the petitioner is that though he was placed under suspension,

Subsistence Allowance is yet to be paid and the Disciplinary Authority is yet to act on the Enquiry Officer's Report and therefore, came forward to file this writ petition.

3. Heard the submissions of Mr.B.Nedunchezian, learned Standing Counsel, who accepts notice on behalf of the respondent and would submit that orders will be passed based on the Enquiry Officer's Report by the Disciplinary Authority, as expeditiously as possible.

4. Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondent to consider the claim of the petitioner as to the payment of Subsistence Allowance and also take note of the Enquiry Officer's Report dated 07.12.2015 and pass appropriate orders as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

sd/
Assistant Registrar(CCC)

/true copy/

Sub Assistant Registrar

jvm

TO

1.The District Manager, सतयमेव जयते
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Warehousing Corporation,
59-A, Chennai Trunk Road,
Villupuram District.

+1cc to Mr.P.Suresh Babu Advocate SR.No.7386

W.P.No.2606 of 2017

LRS (CO)
GN(15/02/2017)