

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33526 of 2015

and

W.M.P.Nos.1 & 2 of 2015

A.Narayanan

... Petitioner

Vs.

The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Villupuram. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the proceeding issued in Na.Ka.No.Rv3/1054(625)/2015 dated 13.04.2015 passed by the Respondent herein and quash the same and consequently direct the Respondent to reinstate the petitioner into service with all attendant benefits.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.B.Nedunchezian

O R D E R

Heard Mr.S.Ilamvaludhi, learned counsel for the petitioner and Mr.B.Nedunchezian, learned counsel for the respondent.

2.The order of suspension issued by the respondent in proceedings dated 13.04.2015 is under challenge in this writ petition.

3.The learned counsel appearing for the writ petitioner made a submission that on account of certain irregularities relating to the stocks in the Tamil Nadu State Marketing Corporation Limited (TASMAC) shop the writ petitioner was placed under suspension in proceedings dated 23.09.2015. The writ petitioner is continuing in suspension for the past about 2 years.

4.The learned counsel further made a submission that pursuant to the order of suspension and on initiation of disciplinary proceedings, an enquiry was conducted and based

on the enquiry report the final order has been passed in proceedings dated 23.09.2015. The order of punishment was challenged by the writ petitioner in W.P.No.31059 of 2015 and the same was stayed by this Court during the pendency of the writ petition. Thus, the disciplinary proceedings against the writ petitioner as on today is not pending as far as the respondent is concerned. Thus, there is no impediment in reinstating the writ petitioner. In fact the disciplinary proceedings already initiated pursuant to the impugned suspension order has been concluded. However, in respect of the pending writ petition, it is for the respondent to file counter and adjudicate the same in W.P.No.31059 of 2015.

5.This Court is of the view that an order of suspension though is not a punishment, and was inflicted on initiation of disciplinary proceedings. Thus, after the conclusion of the disciplinary proceedings and after passing the final orders in the disciplinary proceedings the continuance of suspension is bad in law. On conclusion, the order of suspension deemed to have been lapsed and the writ petitioner is to be reinstated in service. Thus, the order impugned passed by the respondent dated 13.04.2015 is quashed and the respondent is directed to reinstate the petitioner in service forthwith.

6.Accordingly, the writ petition stands allowed. However, there is no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

ah/dna

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Villupuram.

+1cc to M/s ILAVALUDHI, Advocate Sr.66108

W.P.No.33526 of 2015

MG (CO)
RVR 14/11/2017