



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)Nos.10778 & 10779 of 2017
and
W.M.P.(MD)Nos.8195 & 8196 of 2017

R.Karthikeyan

... Petitioner in both W.Ps.

Vs.

1.The Managing Director,
(TASMAC),
Tamil Nadu State Marketing Corporation Ltd.,
Chennai.

2.The Senior Regional Manager,
(TASMAC),
Tamil Nadu State Marketing Corporation Ltd.,
Trichy,
Trichy District.

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

4.The Deputy Collector / District Manager,
(TASMAC),
Tamil Nadu State Marketing Corporation Ltd.,
Thanjavur,
Thanjavur District.

...Respondents in both W.Ps.

Prayer in W.P.(MD)No.10778 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned suspension order passed by the 4th respondent in Na.Ka.No.7947/2017/RV-2 dated 24.03.2017 quash the same and consequently, direct the 4th respondent to reinstate the petitioner in service.

Prayer in W.P.(MD)No.10779 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned suspension order passed by the 4th respondent in Na.Ka.No.7947/2017/RV-2 dated 16.05.2017 quash the same and consequently, direct the 4th respondent to reinstate the petitioner in service.



For Petitioner : Mr.C.SusiKumar

COMMON ORDER

The Writ petition in W.P.(MD)No.10778 of 2017 has been filed to quash the impugned order of suspension dated 24.03.2017 passed by the 4th respondent in Na.Ka.No.7947/2017/RV-2.

2.The Writ petition in W.P.(MD)No.10779 of 2017 has been filed to quash the impugned order of suspension dated 16.05.2017 passed by the 4th respondent in Na.Ka.No.7947/2017/RV-2.

3.The petitioner, who was working as a salesman in the respondents / Corporation, has been placed under suspension by the impugned order dated 24.03.2017 on the basis of registration of a criminal case in Crime No.160 of 2017 under Section 4(1)(a), 24 A of the Tamil Nadu Prohibition Act, alleging that water was found mixed with liquor bottles. Challenging the said impugned order, the Writ petition in W.P.(MD)No.10778 of 2017 has been filed.

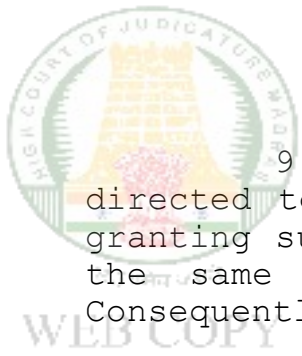
4.Further, the petitioner was served with another suspension order dated 16.05.2017 stating that there was a shortage of Rs.8,538/- in the accounts.

5.The learned counsel for the petitioner submitted that the order of suspension dated 24.03.2017 was issued in relation to registration of a criminal case, however, the name of the petitioner was not found in the FIR, which shows that the petitioner was not involved in the alleged irregularities.

6.However, the order of suspension clearly indicate that the petitioner and others were found to have committed certain irregularity. In these circumstances, the order of suspension in contemplation of disciplinary proceedings cannot be challenged on the ground that the petitioner's name was not found in the FIR, which only relates to the commission of criminal offence. As regards the second order of suspension, it is not in dispute that in view of the report dated 24.03.2017, the petitioner is alleged to have committed some misappropriation of funds of the respondent / Corporation.

7.In such circumstances, these Writ petitions cannot be entertained as orders of suspension were passed either pending or in contemplation of disciplinary proceedings, against the petitioner for grave misconduct. At this stage, this Court is not expected to go into the fact in detail whether or not the petitioner is guilty of misconduct alleged.

8.At this juncture, the learned counsel for the petitioner submitted that the petitioner is not given subsistence allowance during the suspension period.



9. In view of the said submission, the petitioner is directed to make a representation to the appropriate authority for granting subsistence allowance, who in turn is directed to consider the same on merits and in accordance with law. No costs. Consequently connected W.M.Ps. Are closed.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
(TASMAC),
Tamil Nadu State Marketing Corporation Ltd., Chennai.
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Thanjavur, Thanjavur District.
4. The Deputy Collector / District Manager,
(TASMAC),
Tamil Nadu State Marketing Corporation Ltd.,
Thanjavur, Thanjavur District.

+2cc to M/S.M.SUBASH BABU, Advocate SR.No. 59677, 59678

W.P. (MD) No. 10778 & 10779 of 2017

SMI/GNS
JM/SKN RSK/SAR 2/07.07.2017/3P/7C