

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.851 of 2018

N.Ramakrishnan

.. Petitioner

-vs-

1. The Managing Director
Tamil Nadu State Marketing Corporation Ltd.,
IV Floor, C.M.D.A.Tower II
Gandhi Irwin Bridge Road
Egmore, Chennai 600 008
 2. The Senior Regional Manager
Chennai Region
Tamil Nadu State Marketing Corporation Ltd.,
No.735, Anna Salai, LLA Building 4th Floor
Chennai 600 002
 3. The District Manager
Tamil Nadu State Marketing Corporation Ltd.,
Kancheepuram (South)
Kancheepuram District
 4. The Assistant Manager (Accounts)
Tamil Nadu State Marketing Corporation Ltd.,
Kancheepuram (South)
Kancheepuram District
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned order of the third respondent made in his proceedings in Na.Ka.No.1566/R1/2017 dated 25.11.2017, quash the same and consequently directing the respondents to issue order to the petitioner posting him as Shop Supervisor in the TASMACH Shop No.4458, Murugamangalam Village, Keerapakkam Road, Thiruporur Taluk, Kancheepuram District.

[illegible]

This writ petition has been directed against the impugned order of suspension dated 25.11.2017. Learned counsel for the petitioner, assailing the impugned order of suspension, submitted that when the petitioner was discharging his duties as Shop Supervisor in Shop No.4458 in Murugamangalam Village, Keerapakkam Road, Thiruporur Taluk, Kancheepuram District, an internal audit team headed by Mr.R.Balachandran made an usual inspection and audited his shop. It is at this time, suddenly the fourth respondent-Assistant Manager (Accounts) also visited the shop and started inspecting and auditing the accounts. As the shortage of Rs.2,04,760/- was arrived at without assessing the actual facts and figures pertaining to sales, cash on hand, stock balance etc., and according to the petitioner, there is no shortage of any amount as alleged by the inspection team, the petitioner explained his case stating that if the previous day's sales amount was available with him for remittance into the bank account and if the cost of the broken 21 boxes containing 180 ml., bottles were taken into account, there would be no shortage as alleged. However, on the wrong advice of the fourth respondent, presuming that the petitioner is involved in respect of shortage of money, the third respondent has passed the impugned order of suspension on 25.11.2017 in proceedings Na.Ka.No.1566/R1/2017. The learned counsel for the petitioner also submitted that without prejudice to his rights, the petitioner has also paid the entire amount. In spite of that, the petitioner has been issued with the charge memo dated 4.12.2017 in Na.Ka.No.1566/R1/2017 calling upon him to submit his explanation. Accordingly, the petitioner has submitted his detailed explanation denying all the charges on 13.12.2017. But the respondents have not come forward to consider his case for passing final orders. Therefore, a direction be issued, he pleaded.

2. Mr.P.Arumugharajan, learned standing counsel, taking notice on behalf of the respondents, sought for sufficient time.

3. Since the petitioner has sought for early disposal of the pending disciplinary proceedings, this Court, without going to the merits of the matter, hereby directs the third respondent to consider the explanation of the petitioner and if any enquiry is called for, the same also can be held and thereafter the

disciplinary authority shall pass appropriate orders on merits, within an outer time limit of twelve weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.1019 of 2018 is closed. No costs.

Sd/-
Assistant Registrar (CS-iii)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Managing Director
Tamil Nadu State Marketing Corporation Ltd.,
IV Floor, C.M.D.A.Tower II
Gandhi Irwin Bridge Road
Egmore, Chennai 600 008
2. The Senior Regional Manager
Chennai Region
Tamil Nadu State Marketing Corporation Ltd.,
No.735, Anna Salai, LLA Building 4th Floor
Chennai 600 002
3. The District Manager
Tamil Nadu State Marketing Corporation Ltd.,
Kancheepuram (South)
Kancheepuram District
4. The Assistant Manager (Accounts)
Tamil Nadu State Marketing Corporation Ltd.,
Kancheepuram (South)
Kancheepuram District

+1cc to Mr.A.RAMALINGAM, Advocate, S.R.No. 1915
+1cc to Mr.P.ARUMUGARAJAN, Advocate, S.R.No. 2816

W.P.No.851 of 2018

KAN(CO)
TR(07/02/2018)