

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.04.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.Nos.7666 and 7668 of 2018

and

WMP Nos.9563,9564,9567 & 9568 of 2018

N.Manoharan

...Petitioner
in W.P.No.7666 of 2018

R.Arivazhan

...Petitioner
in W.P.No.7668 of 2018

..Vs..

The District Manager,
Tamil Nadu State Marketing Corporation Ltd,
MSR Complex Dayalan Street,
Goundampalayam,
Coimbatore-641030.

..Respondent
in W.P.Nos.7666 & 7668 of 2018

COMMON PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records culminating in the order passed by the respondent bearing Ref.No.Na.Ka.2180 of 2017 RV 1 dated 08.09.2017 and consequential notice bearing same reference number dated 27.01.2018, quash the same and consequentially direct the respondent to permit the petitioner to resume his duty as shop supervisor.

For Petitioner : Mr.Galagu Narayanan (both WP's)
for M/s.RRN Legal

For Respondent : Mr.Sathish Kumar (both WP's)
Additional Government Pleader

COMMON ORDER

The relief sought for in these Writ Petitions are to call for the records in relation to the order of suspension passed by the respondent in proceedings dated 08.09.2017, and the memo issued by the respondent in proceedings dated 27.01.2018. In

respect of the memo dated 27.01.2018, the learned counsel for these writ petitioners states that the entire amount of Rs.21,79,183/- [Rupees Twenty One Lakhs Seventy Nine Thousand One Hundred and Eighty Three Only] had been deposited by the other employees.

2.The learned counsel for the respondent also submitted the fact that the amount of recovery was already deposited by the other employee-one Mr.Rathnam, however, in respect of the initiation of the disciplinary proceedings dated 08.09.2017, the Enquiry Officer was appointed, who in turn conducted a domestic enquiry and the final report of enquiry was submitted to the Disciplinary Authority on 27.01.2018. The Disciplinary Authority has issued second Show Cause notices enclosing a final report and take a decision and passed final orders in the Department of Disciplinary Proceedings, after receiving the explanation from the delinquent.

3.The learned counsel for the respondent states that the final orders will be passed at the earliest possible by the Disciplinary Authority. This being the fact, it is suffice if the direction is issued to conclude the Disciplinary Proceedings in all aspects and passed final orders in the Disciplinary Proceedings in respect of the memo dated 27.01.2018. No further consideration is required and the misconducts are otherwise to be considered based on the final report already submitted by the Enquiry Officer. In this view of the matter, the respondent is directed to conclude the Disciplinary Proceedings and pass final orders based on the material available on record as early as possible preferably within a period of twelve weeks from the date of receipt of the copy of this order.

4.Accordingly, these Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

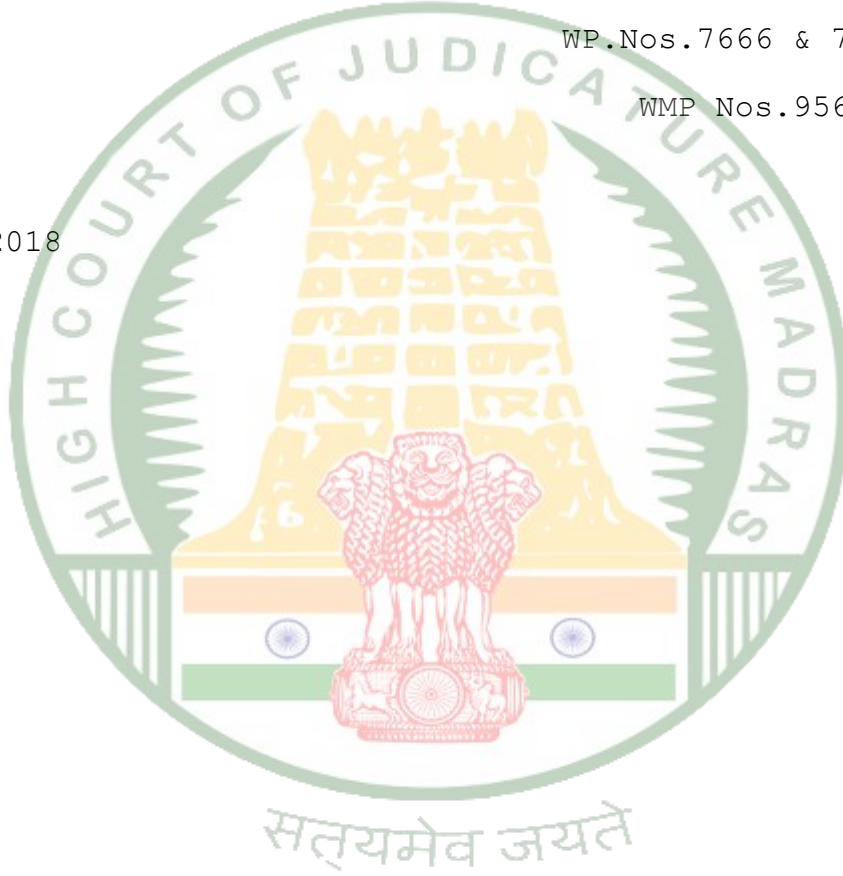
To

The District Manager,
Tamil Nadu State Marketing Corporation Ltd,
MSR Complex Dayalan Street,
Goundampalayam,
Coimbatore-641030

+2cc to M/s.RRN Legal, Advocate sr.no.25994,25992
+2cc to Mr.K.Sathish Kumar, Advocate sr.no.25456,25455

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nr 09/05/2018



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