

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.17207 of 2015

N.Kanagaraj

.. Petitioner

Vs

The District Manager (TASMAC)
Tamil Nadu State Marketing Corporation Ltd.,
Coimbatore South,
Goundampalaym,
Coimbatore

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of Mandamus directing the respondent to reinstate the petitioner in his service as a Salesman in Tasmac Shop at Pollachi by considering and passing necessary order on the petitioner's representations dated 14.09.2011 and 09.06.2015.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.K.Sathish Kumar
Standing Counsel

ORDER

The grievance of the petitioner in this case is that without any charge memo and charge sheet, he has been put under suspension by the respondents vide an order dated 27.05.2005 against which, he has made a representation indicating the fact that the suspension order issued without giving charge memo is illegal and as such, the same may be given a re-look and be reviewed. But the same having not been disposed of by the authorities concerned, the petitioner has come forward to file this writ petition with a direction to the respondent to reinstate him into service.

2 Learned counsel for the petitioner submits, that there being no charge memo or charge sheet against the petitioner, his

order of suspension for such a pro-longed period is illegal, in view of the law laid down by the Apex Court in the case of [Ajay Kumar Chowdary v. Union of India], 2015 (7) SCC 291.

3. Mr.K.Sathish Kumar, learned counsel appearing for the respondent submits that if such representation is pending, the same shall be considered in accordance with law but no fetter to be put on the respondents to consider his representation in any particular manner in the absence of reply affidavit.

4. Regard being had to the facts and circumstances and submissions made, especially the nature of relief sought for, this Court dispose of this writ petition with a direction to the respondent to take an informed and considered decision on the representation of the petitioner to revoke/review the order of suspension in the light of law laid down by the Apex Court in case of [Ajay Kumar Chowdary v. Union of India], 2015 (7) SCC 291, if there is no other legal impediment, within a period of four weeks from the date of receipt of copy of this order. However, it is made clear that this order should not be treated as a mandate of this Court to dispose of the representation in any particular manner.

5. With the aforesaid order, this writ petition stands disposed of.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

rka

To

The District Manager (TASMAC)
Tamil Nadu State Marketing Corporation Ltd.,
Coimbatore South,
Goundampalaym, Coimbatore

+1cc to Mr.K.Satishkumar, Advocate SR.No.51732

+1cc to Mr.P.R.Thiruneelakandan, Advocate SR.No.51980

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GMV(18/09/2018)