

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.12.2018
CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.32413 of 2016 and
WMP.Nos.28114 and 28115 of 2016

V.Radhakrishnan

...

Petitioner

..Vs..

The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
Nagapattinam District at
Industrial Estate, Tirubuvanam,
Thiruvidadimaruthur Taluk. ... Respondent
Thanjavur , (Dt)

Prayer:-Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of
certiorari to call for the records from the respondent
relating to the order bearing Na.Ka.no.286/2016/A, dated
06.05.2016 and quash the same.

For Petitioner : Mr.S.Ayyathurai

For Respondent : Mr.B.Nedunchezhiyan
standing counsel

O R D E R

This Writ Petition has been filed challenging the
order of the respondent in Na.Ka.no.286/2016/A, dated
06.05.2016 and to quash the same.

2. Assailing the correctness of the order dated
06.05.2016, the learned counsel appearing for the
petitioner submitted that during the pendency of this
Writ Petition, one Mr.Sivadass has filed a Writ Petition
in W.P.No.32182 of 2016 before this Court challenging
the common order of suspension dated 06.05.2016, which is
impugned in this Writ petition, and this Court, by an
order dated 06.10.2016, allowed the Writ Petition by
setting aside the impugned order passed in respect of
Mr.S.Sivadass with a further direction to the respondent
to reinstate Mr.Sivadass in any non-sensitive post, where
the department feels that the petitioner therein can be
accommodated as per the Judgment of Hon'ble Supreme Court
in Ajay Kumar Choudhary vs. Union of India reported in

2015 7 SCC 291 and therefore he submitted that the impugned order of suspension passed against the petitioner is also liable to be set aside. He further submitted that when Mr.Sivadass who was also one of the suspended employees under the very same common order, was reinstated and now he is working with the respondent, a direction may be issued to the respondent to reinstate the petitioner also by revoking the order of suspension.

3. The learned standing counsel appearing for the respondent submitted that all the three staff were working in the TASMACHOP at the relevant time and they were subsequently arrested and remanded to judicial custody and that the issue seized by the criminal court has not been come to an end and therefore, the respondent has not come forward to revoke the order of suspension any more long time.

4. This Court is unable to agree with the above said submission, for the reason that when the respondent has passed a common order of suspension dated 06.05.2016 placing Mr.Sivadass, Mr.Vijayakumar and the petitioner under suspension, in view of reinstatement of Mr.Sivadass, who is a supervisor, pursuant to the order passed by this Court in W.P.No.32182 of 2016 dated 06.10.2016, quashing the very same impugned order dated 06.05.2016, the petitioner, who is only a sales-man, can also be reinstated in service. Thus, in view of revocation of the very same suspension order, dated 06.05.2016, this Court is not able to find any merit in continuing the petitioner under suspension any more long time.

5. In view of the above reasons, this Writ Petition is allowed. The impugned order of suspension dated 06.04.2016 passed in respect of the petitioner is also set aside. The respondent is directed to reinstate the petitioner, within a period of ten days from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Ccc)

//True Copy//

Sub Assistant Registrar

Arr

To

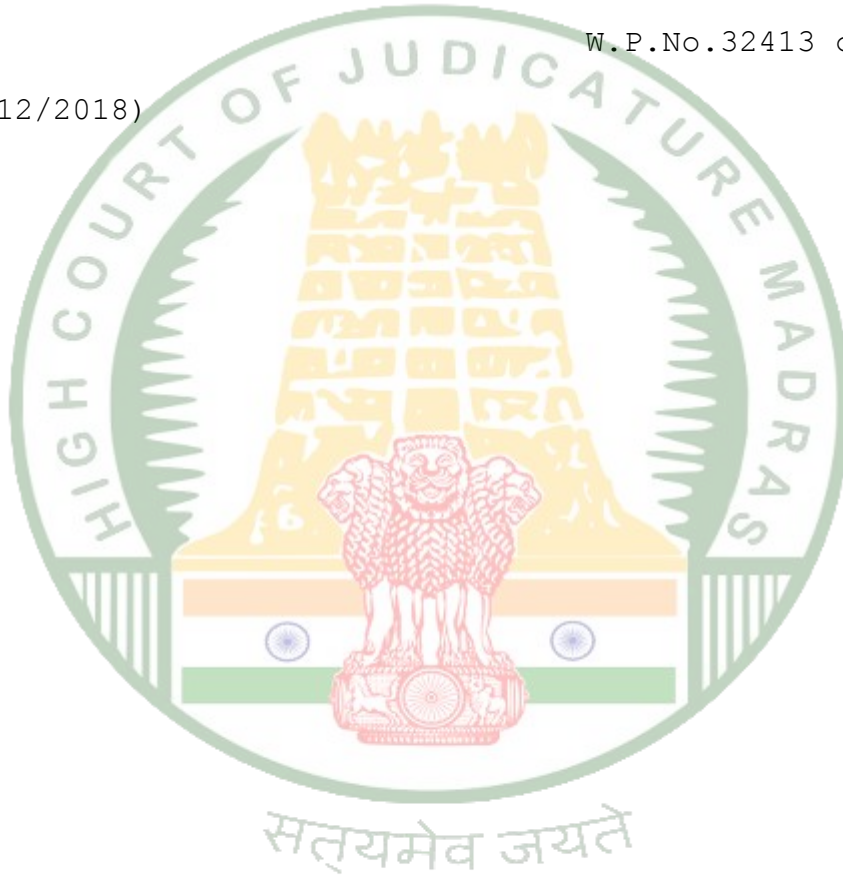
The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
Nagapattinam District at
Industrial Estate, Tirubuvanam,
Thiruvudaimaruthur Taluk.
Thanjavur , (Dt)

+1cc to Mr. B.Nedunchezhiyan, Advocate SR.No. 84967

+1cc to Mr.S.Ayyathurai , Advocate SR.No. 84660

W.P.No.32413 of 2018

ASK(14/12/2018)



WEB COPY