



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.23495 and 23496 of 2017

and

W.M.P(MD) .Nos.19757 to 19764 of 2018

W.P(MD)No.23495 of 2017

S.Sivakumar

..Petitioner

Vs.

1.The Senior Regional Manager,
Tamil Nadu State Marketing
Corporation (TASMAC) Limited,
Anna Nagar,
Madurai-20.

2.The District Manager,
Tamil Nadu State Marketing
Corporation (TASMAC) Limited,
Madurai South,
Kappalur, Madurai.

3.K.Sreedharan, B.A.,
The Domestic Enquiry Officer,
Office of the Senior Regional Manager,
Tamil Nadu State Marketing
Corporation (TASMAC) Limited,
Anna Nagar, Madurai.

... Respondents

PRAYER in W.P(MD).No.23495 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned second show cause notice in Ref.Na.Ka.No.1195/2016/A dated Nil signed by the second respondent on 22.11.2017 and Domestic Enquiry Report in Na.Ka.1195/2016/ ௨ dated 11.10.2017 of the third respondent dated 18.11.2017, quash the same.

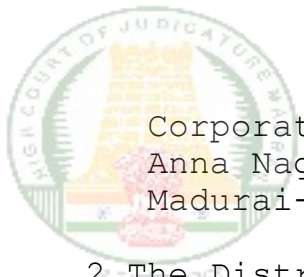
W.P(MD) .No.23496 of 2017

B.Rajkumar

..Petitioner

Vs.

1.The Senior Regional Manager,
Tamil Nadu State Marketing



Corporation (TASMAC) Limited,
Anna Nagar,
Madurai-20.

2.The District Manager,
Tamil Nadu State Marketing
Corporation (TASNMAC) Limited,
Madurai South,
Kappalur, Madurai.

3.K.Sreedharan, B.A.,
The Domestic Enquiry Officer,
Office of the Senior Regional Manager,
Tamil Nadu State Marketing
Corporation (TASMAC) Limited,
Anna Nagar, Madurai.

... Respondents

PRAYER in W.P(MD).No.23496 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned second show cause notice in Ref.Na.Ka.No.1195/2016/A dated Nil signed by the second respondent on 22.11.2017 and Domestic Enquiry Report of the third respondent dated 18.11.2017, quash the same.

In both petitions;

For Petitioners	: Mr.A.Rahul
For Respondents	: Mr.H.Arumugam for R1 & R2

COMMON ORDER

In both the writ petitions, the petitioners are employees of TASMAC. They were suspended from service on 17.11.2016. Though in both the writ petitions what is under challenge is the enquiry report submitted against them, the learned counsel for the petitioners fairly submits that he would modify his prayer. This is because, this Court had already taken a view that a writ petition will not lie against an enquiry report as such.

2.The learned counsel for the petitioners submits that from the date of suspension, till date, the petitioners were not paid their subsistence allowance. If subsistence allowance is not paid, their right to livelihood is infringed. This is because by not paying subsistence allowance to the petitioners, their right to defend is also prejudiced. This Court directs the employer/TASMAC to disburse the entire subsistence allowance payable to the petitioners within a period of two weeks from the date of receipt of a copy of this order. The petitioners are at liberty to offer their explanation in response to the notice enclosed in the enquiry report on or before 31.03.2018. It is made clear that the petitioners' rights have not been adjudicated. The right of the petitioners are left open.

3.The learned counsel for the respondents would submit that the



writ petitioners will have to submit a letter affirming that they were not gainfully employed elsewhere. Replying to the said submission, the learned counsel for the petitioners states that the petitioners will comply with the said formalities within a week from today.

4. With these observations and directions, both writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

+2cc to Mr.C.K.CHANDRASEKAR, Advocate, SR.53203

+2cc to Mr.H.ARUMUGAM, Advocate, SR.53259, 53258

W.P (MD) Nos.23495 and 23496 of 2017
05.03.2018

RMK

KK/SKN RSK/SAR 3/06.03.2018/ 3P- 5C/