

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.11.2019

CORAM

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.21089 of 2019
and
WMP.No. 20289 of 2019

M.Murugan

... Petitioner

Versus

1.The District Manager / Sub Collector
TASMAC LIMITED Salem District,
Salem.

2.The General Manager,
TASMAC LIMITED,
Egmore, Chennai 600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records leading to the passing of impugned suspension order dated 16.04.2018 passed by the first respondent in Na.Ka.No.420/A3/2018/CV and quash the same and consequently direct the respondents to reinstate benefits.

For Petitioner : Mr.T.Panchatsaram

For Respondents : Mr.K.Sathishkumar

O R D E R

This Writ Petition is filed for the issuance of the Writ of Certiorarified Mandamus calling for the records leading to the passing of impugned suspension order dated 16.04.2018 passed by the first respondent in Na.Ka.No.420/A3/2018/CV and quash the same and consequently direct the respondents to reinstate benefits.

2. According to the Petitioner he was appointed as Supervisor in TASMAC shop vide order of appointment dated 24.11.2003 and right from the appointment he has been diligently carrying on his duties without any adverse remarks. From the

year 2014 he used to accompany the District Manager and helping him in identifying the TASMAC shops situated within the jurisdiction for the purpose of conducting audit. While so, the respondent has passed the order of suspension dated 16.04.2018 against the petitioner stating that suspension order was pursuant to the seizure of a sum of Rs.2,50,500/- on 02.02.2018 from shop No. 7266 and shop No. 7438 which amount was stated to be unaccounted and the petitioner was working as supervisor of the shop No. 7266. The petitioner has also made a representation to the second respondent on 25.01.2019, in this regard.

3. Learned counsel for the Petitioner would contend that the suspension order has been issued by the respondent only based on the inspection said to have been conducted by the Vigilance and Anti Corruption department and except the mere statement there were no material warranting suspension against the petitioner and no opportunity was given to the petitioner to offer his explanation. He would also contend that though the suspension order passed as early as 16.04.2008, till date, no departmental proceedings were initiated despite the remainders by the petitioner and the respondent has not considered the claim of the petitioner for revoking the suspension and to reinstate. He would also contend that the petitioner is only a Supervisor of the shop and he was allotted the duty of accompanying the District Manager and he is no way connected with the seizure of the unaccounted amount from the shop and therefore no liability could be fixed against the petitioner.

4. Heard learned counsel for the petitioner and learned counsel for the respondents.

5. Considering the facts and circumstances of the case, this Court directs the second respondent to dispose of the representation made by the petitioner dated 25.01.2019, if not disposed already, within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

bkn

To

1.The District Manager / Sub Collector
TASMAC LIMITED Salem District,
Salem.

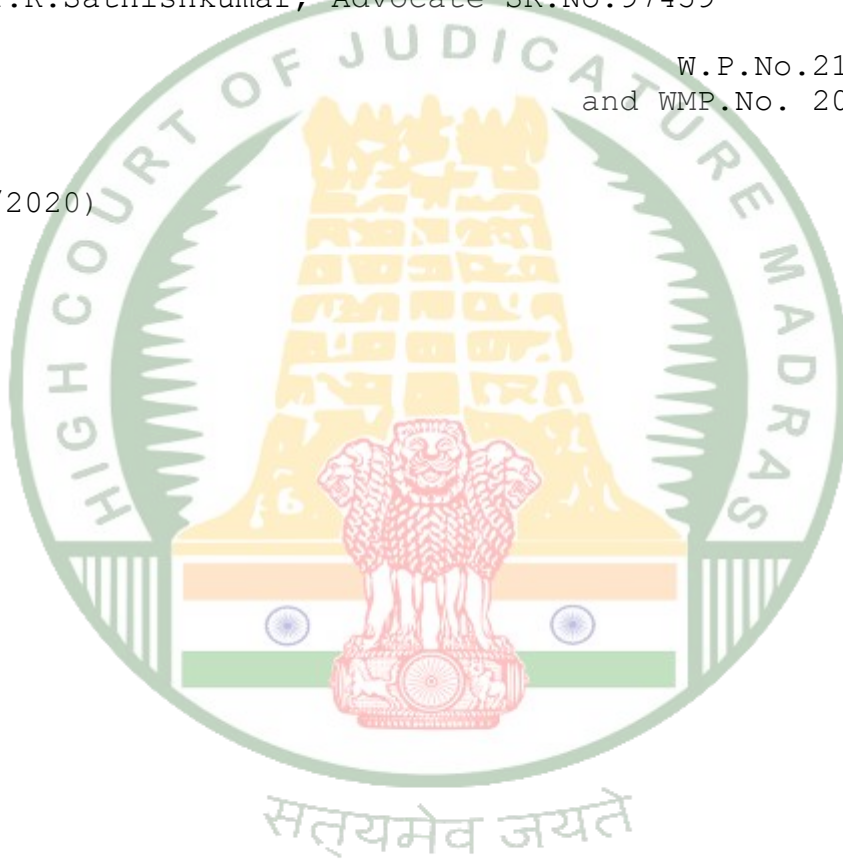
2.The General Manager,
TASMAC LIMITED,
Egmore, Chennai 600 008.

+1cc to Mr.T.Panchatsaram, Advocate SR.No.97506

+1cc to Mr.K.Sathishkumar, Advocate SR.No.97459

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VG II(CO)
GMY(18/03/2020)



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