

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.23685 of 2019

and

WMP.No.23533 of 2019

V.Muthukumar

... Petitioner

Vs

1.The Deputy Collector / District Manager,
TASMAC, Villupuram.

2.The TASMAC,
rep. by its District Manager,
Cuddalore.

3.The Regional Manager TASMAC,
Trichy.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ or Certiorarified Mandamus to call for the records of the First Respondent in Na.Ka.No.A1/1814/(11417)/2019 dated 31.07.2019 (supending the petitioner) and quash the same in so far as the petitioner is concerned and consequently direct the petitioner to be continued in service till disciplinary proceedings contemplated on the charges of the First Respondent, dated 31.07.2019 reaches finality.

For Petitioner : Mr.M.Kalyanasundaram
for Mr.S.Pon Jeganathan

For Respondents 1-3 : Mr.M.John Kennedy

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O R D E R

This Writ Petition has been filed for the issuance of Certiorarified Mandamus to call for the records of the First Respondent in Na.Ka.No.A1/1814/(11417)/2019 dated 31.07.2019 (supending the petitioner) and quash the same in so far as the petitioner is concerned and consequently direct the petitioner to be continued in service till disciplinary proceedings

contemplated on the charges of the First Respondent, dated 31.07.2019 reaches finality.

2. The case of the petitioner is that he joined the services of TASMACH at Tindivanam and worked as supervisor in different shop. On 28.06.2019, while the petitioner was working at shop No.11417 in Tindivanam Town, the second respondent inspected the shop and found that the petitioner was absent and based on the inspection report of the second respondent, the first respondent issued charge memo vide proceedings dated 15.07.2019 against the petitioner and others framing six charges and called for explanation from the petitioner as to why he should not be suspended from service pending departmental enquiry. Thereafter, the petitioner submitted his explanation. The grievance of the petitioner is that without considering his explanation properly, the first respondent vide proceedings dated 31.07.2019 suspended the petitioner and others. Challenging the said suspension order dated 31.07.2019 the petitioner is before this Court.

3. Learned counsel for the petitioner would submit that, as regards the charge memo issued against the petitioner, he made a detailed explanation on charge memo. However, without even considering the same in proper perspective, the first respondent had erroneously vide proceedings dated 31.07.2019 passed orders suspending the petitioner, which cannot be sustained. Hence, he submits that it would suffice to issue direction to the respondents to conclude the enquiry within a reasonable time.

4. Learned counsel appearing for the respondent would concede the request made by the petitioner's counsel.

5. Considering the facts and circumstances of the case, I am inclined to direct the respondents to proceed with the departmental enquiry and conclude the same within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

bkn

To

1.The Deputy Collector / District Manager,
TASMAC, Villupuram.

2.The District Manager,
The TASMAC,
Cuddalore.

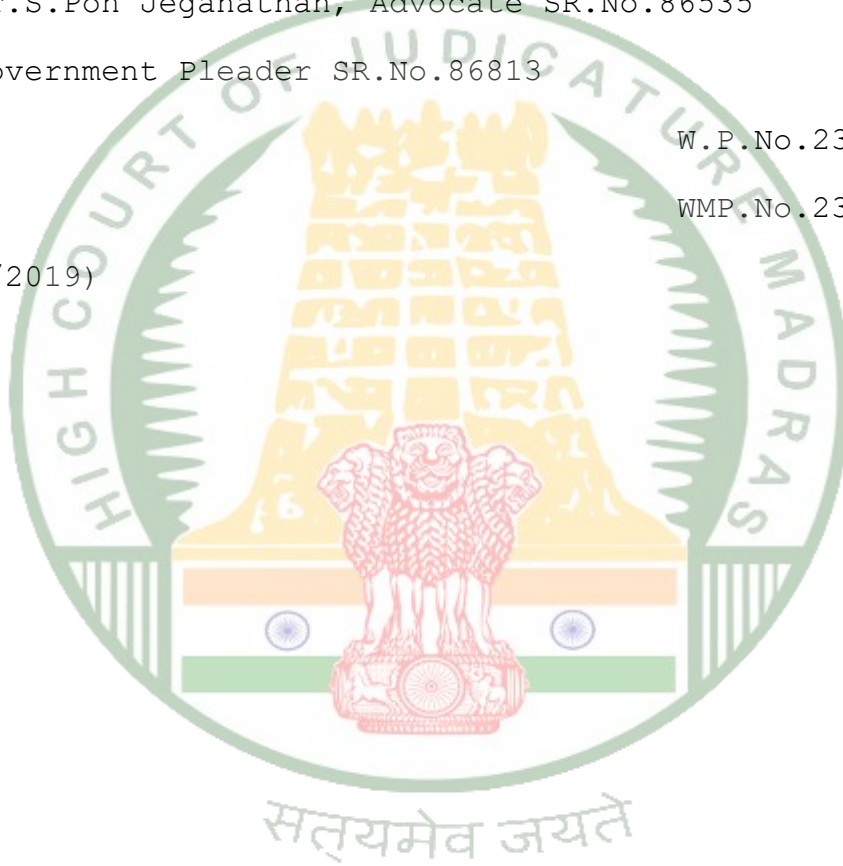
3.The Regional Manager TASMAC, Trichy.

+1cc to Mr.S.Pon Jeganathan, Advocate SR.No.86535

+1cc to Government Pleader SR.No.86813

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and
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PPA (CO)
GMY (02/12/2019)



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