

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 14.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.2536 of 2017**

V.Kumaresan

... Petitioner

Vs.

1.The Managing Director,
TASMAC Limited,
4th Floor, CMDA Tower - II,
Egmore, Chennai - 600 008.

2.The Senior Regional Manager,
TASMAC Limited,
Plot No.100, Anna Nagar,
Madurai - 20.

3.The District Manager,
TASMAC Limited,
IMFS Depot, TASCOT Unit,
Melapalayam, Triunelveli.

4.The District Manager,
IMFS Depot, TASMAC Limited,
Plot No.C-104, SIPCOT Industrial Complex Area,
Madurai to Thoothukudi By-Pass Road,
Tuticorin.

5.The District Manager,
TASMAC Limited, IMFS Depot,
S.No.139, Master Plan Complex,
Rameswaram Road,
Sakkarakottai Village,
Ramanathapuram.

6.The District Manager,
TASMAC Limited, IMFS Depot,
TASCO Unit,
Mullipadi, Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 19.01.2017 demanding full pay and allowance during the period of



suspension between 08.07.2005 and 27.08.2006 and arrears of gratuity eligible to the petitioner as a Selection Grade Assistant.

For Petitioner : Mr.B.N.Raja Mohamed

For Respondents : Mr.H.Arumugam

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ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 19.01.2017 with regard to payment of full pay and allowance for the suspension period from 08.07.2005 to 27.08.2006 and arrears of gratuity eligible to the petitioner.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3.The case of the petitioner is that he was appointed as Assistant by the first respondent on 13.07.1990 and he was suspended from service on 06.07.2005. He was issued with charge memos by the second respondent based on certain allegations and he was summoned for enquiry by the fifth respondent. After enquiry, the second respondent acquitted the petitioner from all the charges.

4.The grievance of the petitioner is that even after acquitting the petitioner from all the charges, the respondents have not taken any steps for payment of full pay and allowance for the period from 08.07.2005 to 27.08.2006. Hence, the petitioner made a representation, dated 19.01.2017 to the respondents. Since no action has been forthcoming, this Writ Petition has been filed.

5.The learned counsel appearing for the respondents submitted that the representation of the petitioner would be considered by the respondents on merits.

6.In view of the above, the respondents are directed to consider the representation of the petitioner, dated 19.01.2017 with regard to payment of full pay and allowances for the suspension period from 08.07.2005 to 27.08.2006, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of.No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //



To

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+1 CC to M/s.B.N.RAJA MOHAMED, Advocate IN SR-53917

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PK/16.05.2019 : 3P/8C