

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 16.08.2019****CORAM****THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR****W.P. (MD) No. 15423 of 2018****and W.M.P. (MD) Nos. 13882 & 13883 of 2018**

R. Balakrishnan

... Petitioner

Vs.

1. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation,
Trichy.

2. The Deputy Collector / District Manager,
Tamil Nadu State Marketing Corporation,
Trichy.

... Respondents

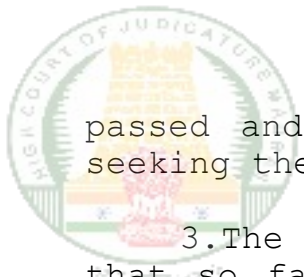
Prayer: This Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order passed by the second respondent vide his proceedings Ref.No.Na.Ka.No.530/C.V2/2018 dated 17.05.2018, quash the same and consequently direct the respondents to reinstate the petitioner with continuity in service with all back wages attendant benefit.

For Petitioner : M/s. Niranjan S. Kumar

For Respondents : Mr. S. Ramakrishnan for
Mr. B. Jameel Arasu
Standing counsel**ORDER**

This Writ Petition has been filed to set aside the proceedings in Ref.No.Na.Ka.No.530/C.V2/2018 dated 17.05.2018 passed by the second respondent and consequently direct the respondents to reinstate the petitioner with continuity in service with all back wages attendant benefit.

2. The petitioner was appointed as Assistant Salesman in the second respondent Corporation on consolidated pay of Rs.1,500/- per month. The petitioner was placed under suspension by the respondent order dated 17.05.2018 alleging that the petitioner has misappropriated a sum of Rs.8,55,850/-. Hence, the petitioner made a representation dated 07.06.2018, however, no order has been



passed and hence, the petitioner filed the present writ petition seeking the aforesaid relief.

3.The learned counsel appearing for the petitioner submitted that so far no charge memo has been served on the petitioner and charges are not yet framed by the respondents. According to the learned counsel appearing for the petitioner, the aforesaid prolonged suspension is contrary to the decision rendered by the Hon'ble Apex Court in a case reported in **2015 (3) CTC 119 Ajay Kumar Choudhary Vs. Union of India and others**. Therefore, the order of suspension is liable to be quashed.

4.The learned Standing Counsel appearing for the respondents submitted that the representation of the petitioner is still pending and the same will be considered by the respondent within a time frame that may be fixed by this Court.

5.Considering the submission of the learned Standing Counsel, this Court directs the second respondent to consider the representation of the petitioner dated 07.06.2018 and pass order on merits and in accordance with law, taking into consideration the aforesaid decision rendered by the Hon'ble Apex Court, within a period of six weeks from the date of receipt of a copy of this order.

6.It is open to the petitioner to approach the authorities for seeking payment of subsistence allowance, if not paid and if he is otherwise eligible.

7.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation,
Trichy.

2.The Deputy Collector / District Manager,
Tamil Nadu State Marketing Corporation,
Trichy.



+1 CC to M/s.B. JAMEEL ARASU, Advocate (SR-82266[F] dated
19/08/2019)

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W.P. (MD) No.15423 of 2018
16.08.2019

KK/SAR/20.08.2019/3P-5C/