



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.07.2019
CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD) No.18921 of 2018
and
W.M.P. (MD) No.16760 of 2018

Sakthivel

...Petitioner

Vs.

The Deputy Collector/District Manager,
Tamilnadu State Marketing Corporation Limited,
TASMAC, Madurai North,
Madurai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned order of suspension issued by the respondent in his proceedings in Na.Ka.No. 0127/2018/A1 dated 14.8.2018 and quash the same so far as the petitioner is concerned (serial No.1) as illegal and consequently direct the respondent to reinstate the petitioner into service with all back wages and attendant benefits.

For Petitioner : Mr.N.Mariappan
For Respondent : Mr.H.Arumugam
Standing Counsel

ORDER

This Writ Petition has been filed to quash the order dated 14.8.2018 passed in Na.Ka.No. 0127/2018/A1 by the respondent and to direct the respondent to reinstate the petitioner into service.

2.According to the petitioner, he was initially appointed as Supervisor in the respondent Corporation at shop No.5107 and subsequently, he was transferred to shop No.5134, Madurai North. While the petitioner was on leave on 31.07.2018, an Audit Inspection has been conducted by the respondent in shop No.5134 and at that time, the respondent found shortage of a sum of Rs.87,980/-. For such shortage, the respondent issued show cause notice to the petitioner on 03.08.2018, for which, the petitioner has given a detailed explanation on 09.08.2018. But, without considering the said explanation dated 09.08.2018, the petitioner was placed under suspension by the respondent on 14.08.2018. Challenging the same, the present writ petition has been filed.

3.In reply, the learned Standing Counsel appearing for the respondent would submit that the petitioner has not submitted the said explanation dated 09.08.2018 to the respondent. If the petitioner



submits the said explanation dated 09.08.2018 before the respondent, the same will be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

4. Recording the above said submission, this Court is inclined to pass the following directions:

(i) the petitioner is directed to produce a copy of his explanation dated 09.08.2018 along with a copy of this order before the respondent within a period of one week from the date of receipt of a copy of this order and on receipt of such explanation, the respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law after following the procedure as contemplated under law, within a period of twelve weeks thereafter; and

(ii) the petitioner is further directed to submit a representation before the authority concerned for payment of his subsistence allowance as expeditiously as possible and on receipt of such representation, the authority concerned is directed to pass appropriate orders in accordance with the rules as expeditiously as possible;

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To
The Deputy Collector/District Manager,
Tamilnadu State Marketing Corporation Limited,
TASMAC, Madurai North, Madurai.

+1 cc Mr.N.Mariapan, Advocate, SR.No.76911
+1 cc Mr.H.Arumugam, Advocate, SR.No.77084

mm

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DATED : 23.07.2019