

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.2032 of 2020

and

W.M.P. Nos.2376 & 2378 of 2020

R. Manimaran

... Petitioner

-Vs-

1. The Senior Regional Manager
Tamil Nadu State Marketing Corporation
Limited (TASMAC)
Salem District.

2. District Manager / Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd.
(TASMAC), Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus or any other writ or Order or direction in the nature of the writ, to call for all relevant records relating to the impugned order of suspension issued in proceedings in Na.Ka.No.134/A3/2019/C.V. dated 14.05.2019 passed by the District Manager/ Deputy Collector, Tamil Nadu State Marketing Corporation Ltd., Salem District, the second respondent herein and quash the same as arbitrary, unreasonable, improper and illegal and against the rules and regulations of the respondents and thereby directing the respondents to revoke the order of suspension issued on the petitioner by reinstating the petitioner into service as Assistant Salesman in Shop No.7401, TASMAC Liquor Retail Vending Shop, Vellalakundam, Vazapaadi Taluk, Salem District, within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr. S. Srinivasan

For Respondents : Mr. K. Sathish Kumar
Standing counsel

ORDER

This Writ Petition has been filed challenging the proceedings of the second respondent dated 14.05.2019, suspending the petitioner from service and for a consequential direction to the respondents to reinstate the petitioner and to pay him all the attendant benefits.

2. The case of the petitioner is that he was working as an assistant salesman in TASMAR Retail Vending Shop. A case came to be registered against the petitioner in Crime No.530/2018 on 24.12.2018 and the petitioner was arrested and remanded to judicial custody. Subsequently, the impugned order of suspension came to be passed against the petitioner on 14.05.2019. The grievance of the petitioner is that no charge memo has been issued against the petitioner till date and the petitioner is being kept under prolonged suspension without reviewing the same even after three months. The further grievance of the petitioner is that he has not been paid subsistence allowance from the date of suspension till date. Therefore, the petitioner has made a representation to the second respondent on 27.08.2019 requesting for revoking the order of suspension and for the payment of subsistence allowance. Since the representation was not considered, the present Writ Petition has been filed challenging the suspension order passed by the second respondent.

3. Heard Mr. S. Srinivasan learned counsel for the petitioner and Mr.K. Sathish Kumar, learned counsel for the respondents.

4. Taking into consideration the facts and circumstances of the case and the fact that the petitioner has already made representation to the second respondent to revoke the order of suspension and the same is pending, there shall be a direction to the second respondent to consider the representation dated 27.08.2019 made by the petitioner seeking for revocation of suspension and for the payment of subsistence allowance and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, strictly in accordance with law. The petitioner is directed to make a fresh representation to the second respondent along with a copy of the representation dated 27.08.2019 and a copy of this order.

5. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

bga

To

1. The Senior Regional Manager
Tamil Nadu State Marketing Corporation
Limited (TASMAC)
Salem District.
2. District Manager / Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd.
(TASMAC), Salem District.
3. The Director of Agriculture,
Agriculture Department,
Puducherry.

+1cc to Mr.S.Srinivasan Advocate sr6482

W.P.NO.2032 of 2020

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