

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.9548 of 2020

N.Sampath

...Petitioner

Vs.

Tamil Nadu State Marketing
Corporation Limited,
Rep by its Managing Director,
IV Floor, CMDA Tower II,
Egmore, Chennai - 600 008.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent herein to pass final orders in the Disciplinary Proceedings initiated vide proceedings No.M3/22756/2014 dated 15.09.2014 within the time limit specified by this Court.

For Petitioner : Mr.N.Balamuralikrishnan

For Respondent : Mr.John Kennadi
Standing Counsel

ORDER

सत्यमेव जयते

The matter is taken up through web hearing.

2.This writ petition is filed with the following prayer;

"To direct the respondent herein to pass final orders in the Disciplinary Proceedings initiated vide proceedings No.M3/22756/2014 dated 15.09.2014 within the time limit specified by this Court."

3.The case of the petitioner is that he was working as Assistant Manager (Depot) TASMAL, Tuticorin and he claims to have rendered 30 years of unblemished service. According to him, on 12.08.2014, a flying squad inspected the depot and found

everything satisfactory. However, after a month on 15.09.2014, the petitioner was placed under suspension for certain acts of misconduct. A charge memo was also issued on the same day, charging the petitioner in relation to shortage of stocks and causing loss to the Corporation. The petitioner, in response to the charge memorandum, submitted his explanation denying the allegations. Subsequently, on 18.02.2015, the suspension was revoked and thereafter the petitioner was directed to attend the enquiry. On completion of enquiry, the Enquiry Officer submitted his report on 01.07.2015 holding the charges proved.

4. In the meanwhile, the petitioner was due for retirement on 31.03.2019 and on the eve of his retirement, he was once again placed under suspension on 30.03.2019. The grievance of the petitioner is that though enquiry report was filed as early as in 2015 itself, till date no final order has been passed by the Disciplinary Authority. In view of his suspension, on the eve of his retirement, the petitioner is put to great hardship and suffering and therefore, he is before this Court seeking direction to the respondent to conclude the disciplinary proceedings initiated against him and to pass final orders thereon.

5. Mr. N. Bala Muralikrishnan, learned counsel appearing for the petitioner, reiterated the above facts and would impress upon this Court to pass direction as prayed for, for securing the ends of justice.

6. Mr. John Kennadi, learned Standing Counsel took notice on behalf of the respondent and on instructions, would submit that a direction may be issued to the respondent to conclude the disciplinary proceedings within a period of four weeks and for such direction he would have no objection.

7. In view of the above narrative, submissions and also the fact that the prayer itself is of a limited scope, the Writ Petition is disposed of at the admission stage as under;

The respondent is directed to pass final orders in the disciplinary proceedings initiated against the petitioner in pursuance of the charge memorandum dated 15.09.2014, within a period of four weeks from the date of receipt of copy of this order and communicate the same to the petitioner forthwith. The respondent is also directed to comply with all the legal requirements pertaining to the disciplinary proceedings and pass a reasoned order.

8.The Writ Petition is disposed of as above. No costs.
Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msh/mrm

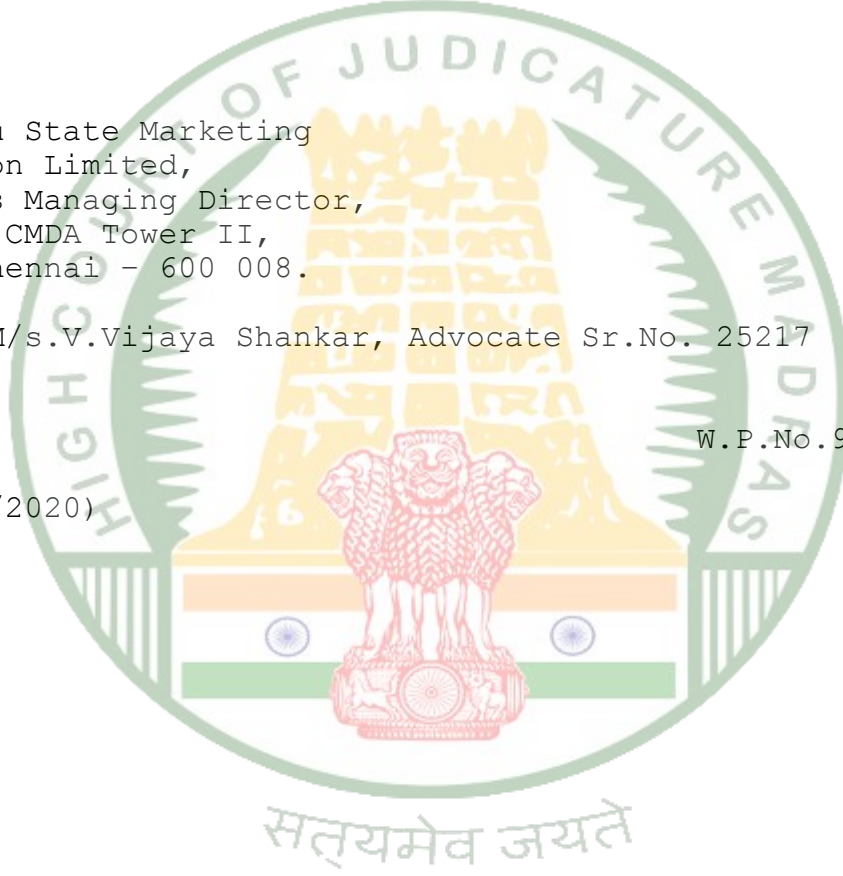
To

Tamil Nadu State Marketing
Corporation Limited,
Rep by its Managing Director,
IV Floor, CMDA Tower II,
Egmore, Chennai - 600 008.

+1 cc to M/s.V.Vijaya Shankar, Advocate Sr.No. 25217

PP (CO)
RMP (29/10/2020)

W.P.No.9548 of 2020



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