

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.13005 of 2020 and W.M.P.No.16097 of 2020

G.Jagadese

... Petitioner

-Vs-

1 The Senior Regional Manager
Tamil Nadu State Marketing Corporation Ltd
No.132, Old Sinthamani Godown
Peelamedu Railway Station Back Side
Peelamedu, Coimbatore
Coimbatore District 641 004.

2. The District Manager
Tamil Nadu State Marketing Corporation Ltd.,
Warehouse Godown
Angeripalayam, Tirupur
Tirupur District 641 602.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to reinstate the petitioner in some other place other than the Shop 3886 without prejudice to the enquiry in Na.Ka. No. 125/ 2020/ A1 dated 13.05.2020.

For Petitioner :Mr.N.Stalin

For Respondents :Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The matter was taken up through Web-hearing.

2. The writ petition is filed as a consequence of the order of suspension dated 13.05.2020. The order as could be seen from the contents, was issued on the basis of a F.I.R., registered against the petitioner, pursuant to which the petitioner was

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arrested.

3. In view of the arrest of the petitioner, the respondent Corporation has contemplated disciplinary action against him and in that view of the matter, by order dated 13.05.2020 he is placed under suspension. Strangely, the petitioner is seeking direction to reinstate him in service in a different shop without actually challenging the suspension order dated 13.05.2020. In the absence of a challenge to the suspension order, this Court cannot entertain this writ petition and order issuance of a Writ of Mandamus. When the petitioner has been proceeded against in respect of his involvement in a criminal case and disciplinary action is also proposed to be taken against him and in order to protect public interest he is placed under suspension, unless the suspension order is put to challenge on acceptable legal grounds, the petitioner is not entitled to be reinstated in service.

4. The writ petition contains several averments in the form of his explanation to the events which preceded to the issuance of the suspension order. Such explanation will be helpful to him as a matter of defence if any disciplinary action is initiated against him and certainly that would not be the basis for this Court to act and order his reinstatement.

5. In the said circumstances, the writ petition is misconceived, not maintainable and also the same is bereft of any substance and material. Hence, the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

KST

To

1.The Senior Regional Manager,
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W.P.No.13005 of 2020

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