



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.6190 of 2020

and

W.M.P(MD)Nos.5386 and 5387 of 2020

S.Ganesan

.. Petitioner

Vs.

The District Manager,
Tamilnadu State Marketing Corporation (TASMAC),
Karur.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of suspension issued by the respondent vide his proceedings in Na.Ka.No.C.V.2/4933/2020, dated 17.04.2020 and quash the same and consequently direct the respondent herein to regularise the services of the petitioner with all monetary benefits and pass such further or other orders.

For Petitioner

: Mr.Jerin Mathew

for Mr.R.Varatharajan

For Respondent

: Mr.H.Arumugam,

Standing Counsel for TASMAC.

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of suspension issued by the respondent vide his proceedings in Na.Ka.No.C.V.2/4933/2020, dated 17.04.2020 and quash the same and consequently direct the respondent to regularise the services of the petitioner with all monetary benefits.

2.Mr.H.Arumugam, learned Standing Counsel for TASMAC takes notice for the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that he was appointed as a Salesman in the respondent Corporation and now he is working at Shop No.4933 situated at Athoor, Karur. On 05.04.2020, the Inspector of Police, Karur Town Police Station, Karur has conducted an inspection and it was alleged that even though the said shop was closed on 24.03.2020 as per Government Orders, 13 bottles of liquor was hidden near the shop and the petitioner was trying to sell the same and hence, a case was registered against him in Crime No.236 of 2020, for the offence punishable under Sections 4(1)(a) and 4(1)(i) of Tamilnadu Prohibition Act. On the basis of the said criminal case, the respondent has issued the impugned proceedings dated 17.04.2020, suspending the petitioner from service. Against which, the present



writ petition has been filed.

4.The learned counsel for the petitioner submitted that the petitioner was not on duty on 05.04.2020 and the said first information report is without any basis or evidence, based on which, the present impugned order of suspension has been passed. Thus, he prayed to set aside the same.

5.The learned standing counsel appearing for the respondent submitted that a criminal case has been registered against the petitioner, based on which, the impugned suspension order has been passed. He further submitted that disciplinary proceeding has already been initiated and a charge memo has been issued and would state that disciplinary proceedings would be completed within a time frame to be fixed by this Court.

6.Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent and perused the materials available on record.

7.Though the learned counsel for the petitioner has sought for larger relief, considering the submissions of the learned standing counsel for the respondent that disciplinary proceeding has already been commenced and a charge memo has been issued, it would suffice if the respondent is directed to complete the disciplinary proceedings within a period of two months and accordingly, the respondent is directed to conclude the disciplinary proceedings initiated against the petitioner within a period of two months from the date of receipt of a copy of this order.

8.With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn
To
The District Manager,
Tamilnadu State Marketing Corporation (TASMAC), Karur.

ORDER MADE IN
W.P (MD) No. 6190 of 2020
18.05.2020

SMA/02/06/2020/2P/2C