



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2020

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD) No.6357 of 2020

and

W.M.P(MD) No.5595 of 2020

WEB COPY

M.Kannan

..Petitioner

Vs.

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

..Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records on the file of the respondent in connection with the impugned order of suspension passed by him in his proceedings Na.Ka.No.C.Vi. 2/5022/2020 dated 14.05.2020, and quash the same as illegal and arbitrary.

For Petitioner

: MrG.Thalaimutharasu

For Respondent

: Mr.H.Arumugam,

Standing Counsel for TASMAC.

ORDER

This writ petition has been filed for issuance of a Writ of Certiorari to call for the records on the file of the respondent in connection with the impugned order of suspension passed by him in proceedings in Na.Ka.No.C.Vi. 2/5022/2020 dated 14.05.2020 and quash the same as illegal and arbitrary.

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 Supervisor in the respondent Corporation and now he is working at Shop No.4933 situated at Five Roads, Karur District. On 12.05.2020, the Inspector of Police, Thanthonimalai Police Station, Karur has conducted an inspection and found that though the TASMAC shop was closed on 08.05.2020 as per the order of this Court, the petitioner was found in possession of 30 bottles of liquor in his hands illegally and hence, a case was registered against him in Crime No.261 of 2020, for the offence punishable under Section 4(1)(a) of Tamilnadu Prohibition Act. On the basis of the said criminal case, the respondent has issued the impugned proceedings dated 14.05.2020, 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 no way involved in the commission of offence and due to political motive, the criminal case was foisted against him. The said first information report is registered without any basis or evidence and hence, the suspension of the petitioner is not necessary, as the petitioner is ready to face the disciplinary proceedings. Thus, he prayed to set aside the impugned order.

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 the 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, this Court is of the view that it would suffice if a direction is given to the respondent to conclude the disciplinary proceedings initiated against the petitioner, after providing sufficient opportunity to the petitioner and pass orders on the same on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

8.This Writ Petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To
The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Karur District.

W.P(MD)No.6357 of 2020

01.06.2020

KB(08/06/2020) 2P 2C

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