



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)NO.6685 OF 2020

and

W.M.P(MD)Nos.6044 and 6045 of 2020

Palani.

:Petitioner

.vs.

The District Manager,
Tamil Nadu State Marketing Corporation Limited,
situated at No.50-57, TANSIDCO Complex,
Nanjikkottai Road,
Thanjavur - 613 006.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the impugned proceedings in Na.Ka.No.7850/2020/A-1, dated 10.4.2020 communicated on 22.5.2020 on the file of the respondent and to quash the same as illegal and consequently directing the respondent to disburse the full salary to the Petitioner.

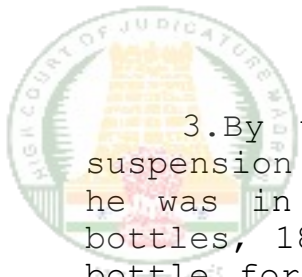
For Petitioner : Mr.S.Saji Bino

For Respondent : Mr.H.Arumugam
Standing Counsel

O R D E R

This Writ Petition is filed in the nature of a Writ of Certiorarified Mandamus calling for the impugned proceedings in Na.Ka.No.7850/2020/A-1, dated 10.4.2020 communicated on 22.5.2020 on the file of the respondent and to quash the same as illegal and consequently direct the respondent to disburse the full salary to the Petitioner.

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



3.By the above said order, the Petitioner was placed under suspension and the charge levelled against the Petitioner is that he was in possession of a bag containing 180 ML Megdowell 12 bottles, 180 ML Blackbarrell Brandy 1 bottle and 375 ML La-Martin 1 bottle for sales during the lock down period and an FIR in Crime No.297 of 2020 had been registered against the Petitioner under section 4(1)(a) of Tamil Nadu Prohibition Act on 9.4.2020 by the Vallam Police Station at Thanjavur. He carried away the above liquors for sale to the general public Pursuant to the above acts, the Petitioner was placed under suspension.

4.The learned counsel for the Petitioner states that the order of suspension was communicated to the Petitioner only on 22.5.2020.

5.Mr.H.Arumugam, learned Standing Counsel who had taken notice on behalf of the respondent/TASMAC and who had also appeared through video conference,had stated that once the postal service resumed , the order of suspension was served on the Petitioner on 22.5.2020 and the Petitioner has also received the suspension order.

6.The Petitioner claimed that when he is entitled to subsistence allowance at 50%, the salary credited to the salary account of the Petitioner is less than 50% of the last drawn salary. This is an issue to be dealt with independently by the Petitioner.

7.It is stated by Mr.H.Arumugam, learned Standing Counsel appearing for the respondent/TASMAC that charge memo has been issued to the Petitioner and the Petitioner has to necessarily face the said charges during the enquiry and the Court cannot interfere with the said charges at this stage.

8.In view of the above submission, I find no merit in the Writ Petition and hence, the same stands dismissed. However, a direction is issued to the respondent to pay the subsistence allowance in accordance with the rules and if it is found that the Petitioner was paid with less than 50% of the subsistence allowance, the respondent may pay the balance amount of subsistence allowance to the Petitioner according to the rules. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (AD-II)

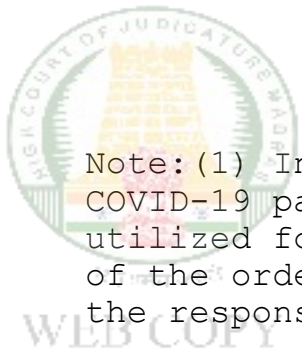
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Sub Assistant Registrar(CS)

vsn

<https://hcservices.ecourts.gov.in/hcservices/>



Note: (1) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocates/litigants concerned.

To

The District Manager,
Tamil Nadu State Marketing Corporation Limited,
situated at No.50-57, TANSIDCO Complex,
Nanjikkottai Road,
Thanjavur - 613 006.

ORDER MADE IN
W.P (MD) NO. 6685 OF 2020
and
W.M.P (MD) Nos. 6044 and
6045 of 2020
12.06.2020

AP(18/06/2020) 3P 2C