



WEB COPY

W.P.(MD) No.6823 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.6823 of 2020

and

W.M.P. (MD) No.6224 and 6225 of 2020

(Through Video conferencing)

M.Karthikeyan

...Petitioner

-Vs-

Tamil Nadu State Marketing Corporation,
rep. by its District Manager,
Tiruchirappali - 620 015.

...Respondent

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent bearing No.Na.Ka.No.380/R.V.2/2020 dated 11.05.2020 and quash the same and consequently direct the respondent to restore the petitioner to duty.

For Petitioner	: Mr.K.M.Ramesh
For Respondent	: Mr.B.Jameel Arasu, standing counsel for TASMAC

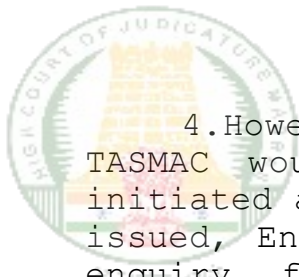
ORDER

The prayer in this writ petition is for a writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent bearing No.Na.Ka.No.380/R.V.2/2020 dated 11.05.2020 and quash the same and consequently direct the respondent to restore the petitioner to duty.

2.The petitioner was working in a TASMAC shop under the respondent's control in Trichy District. During the lock down period, lock down procedure was issued by the State Government not to open the TASMAC shop for any sale. It seems that, from the TASMAC shop, where the petitioner was working, some alleged illicit sale taken place and in this regard, the police has registered an FIR against the petitioner and others and pursuant to the said incident, the respondent, by the impugned proceedings dated 14.05.2020, placed the petitioner under suspension and the said suspension order is now under challenge in this writ petition.

3.I have heard the learned counsel appearing for the petitioner, who would submit that the petitioner has been put under suspension without having any disciplinary action to be initiated and merely based on the FIR filed against the petitioner. Therefore, the said suspension order can be reviewed and revoked.

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4.However, the learned standing counsel appearing for the TASMAC would submit that, soon a disciplinary action would be initiated against the petitioner and a definite charge memo would be issued, Enquiry Officer would be appointed and after conducting an enquiry, final order with regard to the disciplinary proceedings, whether punishment can be inflicted or not, can also be decided by the disciplinary authority against the petitioner within a time frame. For that, the learned counsel appearing for the respondent seeks six weeks time.

5.This Court, after having taken of the submissions made by both sides and also considering the factual matrix, is inclined to pass the following order:

"The respondent is at liberty to proceed against the petitioner departmentally by initiating appropriate disciplinary proceedings by issuing a definite charge memo and after following the necessary procedures to be adopted in this regard, without violating the principles of natural justice, complete the enquiry and pass final orders on the disciplinary proceedings. The aforesaid exercise shall be undertaken by the respondent, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that, within the said stipulated time, if the enquiry is not initiated and not completed and final order is not passed for the reason not attributable on the petitioner, then, the order of suspension impugned herein shall stand revoked on the completion of the six weeks period."

6.With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

Note: 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 advocate/litigant concerned.

Order made in

W.P. (MD) No. 6823 of 2020

09.07.2020

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