



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.07.2020**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No. 7557 of 2020

and

W.M.P (MD) No. 7049 of 2020

V.Shanmugaraja

...Petitioner

-Vs-

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation
(TASMAC) Ltd.,
Plot No.100, Annanagar,
Madurai-625 020.

2.The District Manager,
Tamilnadu State Marketing Corporation
(TASMAC) Ltd.,
C-104, SIPCOT Industrial Complex,
Madurai-Thoothukudi Bye Pass Road,
Tuticorin-628 008.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the second respondent in his proceedings in Na.Ka.No.A2/683/2020 dated 20.05.2020 and quash the same as illegal and unconstitutional and consequently direct the respondents to reinstate the petitioner and to regularise the service of the petitioner with all back wages.

For Petitioner : Mr.C.Mayilvahana Rajendran
for Mr.P.Banu Prasath
For Respondents : Mr.B.Jameel Arasu

ORDER

The prayer sought for herein in this writ petition is for a Writ Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the second respondent in his proceedings in Na.Ka.No.A2/683/2020, dated 20.05.2020 and quash the same as illegal and unconstitutional and consequently, direct the respondents to reinstate the petitioner and to regularise the service of the petitioner with all back wages.



2. The petitioner was working as a Supervisor in the TASMACH Shop.No.10087 under the respondents' control. While so, due to the alleged loss of stock on 07.05.2020, the respondents decided to take disciplinary action against the petitioner. In the result, the impugned order, dated 20.05.2020, was passed by the respondents placing the petitioner under suspension. Thereafter, no disciplinary proceedings was initiated and no charge memo has been issued. Therefore, such prolonged suspension without issuing the charge-memo, is bad in law. Hence, he seeks indulgence of this Court against the impugned order.

3. The learned Standing counsel appearing for the respondents would submit that since the enquiry into grave charges has been contemplated against the petitioner and the charge-memo is ready, which would be served immediately and at any rate, the respondent would complete the disciplinary proceedings and final order thereon would be passed.

4. I have considered the said submissions made by both sides and I have perused the materials available on record.

5. Admittedly, as on date, no charge-memo has been filed against the petitioner. Further, the respondents want to file a charge-memo and complete the enquiry including passing of final order, within three months. In view of the same, in order to enable the respondents to complete the disciplinary proceedings within a time frame, this Court is inclined to dispose of this writ petition with the following orders:-

"the respondents shall issue a charge-memo, conduct an enquiry and complete the disciplinary proceedings within a period of three months from the date of receipt of a copy of this order and final order shall also be passed after completion of the disciplinary proceedings. It is made clear that within the aforesaid period of three months, if the disciplinary proceedings are not completed or not concluded by the respondents, the impugned order of suspension dated 20.05.2020 shall stand rescinded and on completion of three months period, if the impugned order is stand rescinded as indicated, the petitioner shall be reinstated into service.



6. With these observations and directions, the writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(Crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

To

1.The Senior Regional Manager,
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(TASMAC) Ltd.,
Plot No.100, Annanagar,
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2.The District Manager,
Tamilnadu State Marketing Corporation
(TASMAC) Ltd.,
C-104, SIPCOT Industrial Complex,
Madurai-Thoothukudi Bye Pass Road,
Tuticorin-628 008.

Order made in

W.P. (MD) No. 7557 of 2020

Dated: **14.07.2020**

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TR(29.07.2020) 3P 3C