



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.7739 of 2020

(Through Video conferencing)

S.Muthupandi

...Petitioner

-Vs-

- 1.The Managing Director,
Office of the Managing Director,
IV Floor, CMDA Tower II,
Ganthi Irwin Bridge Road,
(TASMAC) Chennai - 600 008.
- 2.The Senior Regional Manager,
Office of the Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Madurai District.
- 3.The District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Madurai South, Madurai District.
- 4.Assistant District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Madurai South, Madurai District.
- 5.Shop Supervisor,
Thoombakulam Shop No.5280,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Madurai South, Madurai District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the entire record pertaining to the impugned show cause notice in his proceedings in Na.Ka.No.480/2020/Aa dated 04.07.2020 and subsequent proceedings in Na.Ka.No.989/2020/A dated 08.07.2020 passed by the 3rd respondent and quash the same as illegal and allow the petitioner to join duty.

For Petitioner : Mr.S.Sivaprakash

For Respondents : Mr.H.Arumugam, standing counsel
for TASMAC



ORDER

The prayer sought for herein is for a writ of Certiorarified Mandamus, calling for the entire record pertaining to the impugned show cause notice in his proceedings in Na.Ka.No.480/2020/Aa dated 04.07.2020 and subsequent proceedings in Na.Ka.No.989/2020/A dated 08.07.2020 passed by the 3rd respondent and quash the same as illegal and allow the petitioner to join duty.

2.Heard Mr.S.Sivaprakash, learned counsel appearing for the petitioner and Mr.H.Arumugam, learned standing counsel appearing for TASMAC.

3.The petitioner is working as Salesman in a TASMAC shop under the 4th respondent. While so, on 04.07.2020, a show cause notice was issued by the 4th respondent seeking explanation from the petitioner as to why disciplinary action should not be taken against him based on an alleged incident said to have been taken place on 25.05.2020. Earlier, it seems a case and counter case before the concerned police station has been registered by and against the petitioner. Pursuant to the said show cause notice, even though a complaint has been by way of explanation given by the petitioner directly addressed to the 1st respondent on 07.07.2020, the petitioner has been served with the suspension order dated 08.07.2020, wherein, on the ground of pending contemplation of disciplinary proceedings against the charge against the petitioner, he has been placed under suspension from 08.07.2020. Challenging both the show cause notice dated 04.07.2020 and the suspension order dated 08.07.2020, the petitioner has filed this writ petition.

4.Heard the learned counsel appearing for the petitioner, who would submit that, the petitioner was the victim in the criminal case and therefore, he has given a complaint, pursuant to which, a case has been registered against the opponent party and at the same time, counter case has also been registered against the petitioner as has been explained to the respondent, despite the same, the petitioner has been placed under suspension. Therefore, the suspension order is bad in law.

5.However, the learned standing counsel appearing for TASMAC would submit that, despite show cause notice having been issued against the petitioner, the petitioner has entered into the TASMAC shop concerned and he was instrumental in tampering the records. Therefore, on that ground, he has been placed under suspension, following which, a charge memo would be served on him within two weeks from today and after getting explanation, if need arises, enquiry would be conducted and final order would be passed.

<https://hcservices.courtservice.in/hcservices/> Court file no. 7739 of 2020 submission made by both sides have been considered



and relevant materials placed before this Court have been perused.

7.It seems that, now, by virtue of the order dated 08.07.2020, which is impugned herein, the petitioner has been placed under suspension in contemplation of an enquiry and in that disciplinary proceedings initiated against the petitioner, according to the respondent TASMAC, charge memo would be given within two weeks period and thereafter, enquiry would be conducted within a time frame.

8.In view of the said stand taken by the TASMAC, this Court is inclined to pass the following order:

"The respondent TASMAC shall be at liberty to initiate disciplinary proceedings against the petitioner and in this regard as submitted by the learned standing counsel for TASMAC, charge memo would be served on the petitioner within two weeks from today and thereafter, if need arises, as per the procedure established under law, enquiry shall be conducted and final order shall be passed, within a period of four weeks thereafter. Therefore, together six weeks time is granted to complete the disciplinary proceedings and on completion of the six weeks period as stipulated above, if the disciplinary proceedings is not completed and final orders have not been passed, the impugned suspension order dated 08.07.2020 shall stand rescinded."

9.With this observation and direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

// 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.7739 of 2020

21.07.2020

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<https://hcservices.courts.gov.in/caseservices> SP 1C