



WEB COPY

W.P.(MD)No.9581 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.9581 of 2020

and

W.M.P. (MD)No.8636 of 2020

(Through Video Conferencing)

J.Sam Glaston Rose

... Petitioner

Vs.

The Sub Collector/District Manager,  
Tamil Nadu State Marketing Corporation Limited  
(TASMAC)  
Kanyakumari District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the respondent pertaining to its order bearing Na.Ka.No.A1/724/2020 dated 15.04.2020 and to quash the same and consequently directing the respondent to revoke the suspension by considering the request of the petitioner dated 21.07.2020.

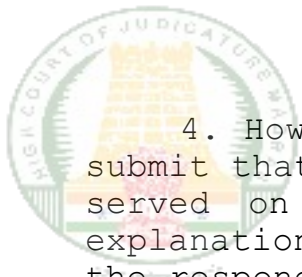
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|----------------|---|--------------------------------------|
| For Petitioner | : | Mr.S.C.Herold Singh                  |
| For Respondent | : | Mr.B.Jameelarasu<br>standing counsel |

#### ORDER

Aggrieved by the order of the respondent dated 15.04.2020 in Na.Ka.No.A1/724/2020 and for a consequential direction to the respondent to revoke the suspension by considering the request of the petitioner dated 21.07.2020, the petitioner is before this Court.

2. The petitioner has been working as Supervisor in TASMAC Shop No.4805 at Kanyakumari District. While so, regarding contemplation of disciplinary proceedings, the petitioner has been placed under suspension by the respondent on 15.04.2020. Challenging the said suspension order, the present writ petition has been filed.

3. Though such a prayer was sought for in the writ petition, the learned counsel for the petitioner would submit today that, after the suspension order, the petitioner has given a representation on 21.07.2020 to consider for revocation of the suspension. Therefore, if the said representation is directed to be considered on merits within a time frame, the petitioner would be satisfied, he submitted.



4. However, the learned counsel for the respondent TASMAL would submit that, in the meanwhile, on 24.05.2020, a charge memo has been served on the petitioner, pursuant to which, he has given an explanation on 24.05.2020 and that is being under consideration with the respondent and pursuant to which, enquiry would be conducted and disciplinary proceedings would be over within a period of one month and thereafter depending upon the outcome of the disciplinary proceedings as to whether the petitioner, against whom, action has to be taken or the suspension can be revoked, can very well be decided by the respondent.

5. Considering the said submissions made by the learned counsel for both sides, having regard to the factual matrix, this Court is inclined to pass the following order:

"That the respondent pursuant to the charge memo dated 24.05.2020 and the explanation given by the petitioner dated 24.05.2020 shall proceed with the enquiry and complete the disciplinary proceedings within a period of one month from the date of receipt of a copy of this order. It is made clear that, within the said period of one month, if the enquiry is not completed, for which, the reason is not attributable for the petitioner, then the respondent shall review the impugned suspension as to whether the impugned suspension is need to be further extended or not."

6. With these directions, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

**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

The Sub Collector/District Manager,  
Tamil Nadu State Marketing Corporation Limited  
(TASMAL) Kanyakumari District.

**W.P. (MD)No.9581 of 2020**

**26.08.2020**

**VR (CO)**

**AP(12/10/2020) 2P 2C**