



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.11334 of 2020

WEB COPY

(Through Video Conferencing)

Kaliraja

... Petitioner

Vs.

The District Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC) Tirunelveli
Tirunelveli District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the respondent in Na.Ka.No.R6/834/2020 dated 02.05.2020 and quash the same.

For Petitioner :Mr.S.Sundarapandian

For Respondent :Mr.B.Jameelarasu
Standing counsel

ORDER

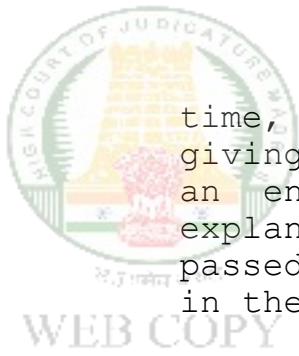
The challenge made in this writ petition is to the order passed by the respondent dated 02.05.2020.

2.The petitioner is a Salesman under the respondent TASMAC. While so, on 28.04.2020, allegedly at the early morning hours, the shop, where the petitioner was working, was opened unlawfully and alleged sale reportedly taken place, based on which, a criminal case was registered by the concerned police, pursuant to which, the petitioner along with two others were suspended vide impugned order dated 02.05.2020. Challenging the said suspension order, the petitioner has filed the present writ petition.

3.Heard the learned counsel for the petitioner as well as the learned standing counsel for the respondent TASMAC.

4.Both the learned counsel would submit that, in respect of yet another person, who is covered under the same impugned order, namely, one Arumugam, he filed a writ petition in W.P.(MD) No.7335/2020, where this Court passed an order on 28.07.2020 to the following effect:

"5. The learned Standing counsel appearing for the respondent would submit that, within a shortest possible



time, the disciplinary proceedings would be completed by giving charge-memo to the petitioner and after conducting an enquiry and after giving an opportunity to give explanation to the petitioner, final order would be passed, therefore, till such time, the suspension order in the interest of justice need not be disturbed.

6. I have considered the rival submissions made by both sides and I have also perused the materials placed before this Court.

7. In view of the said stand taken by the respondent/TASMAC, this Court is of the view that, if the respondent at the earliest initiated the disciplinary proceedings and concluded after affording every reasoned opportunity to the petitioner, till such time the impugned order need not be disturbed. However, within the time if they do not complete the enquiry, suspension order cannot be permitted to stay for longer period as it would amount to prolonged suspension without conducting an enquiry.

8. In that view of the matter, this Court is inclined to dispose of this writ petition, with the following directions:

"that the respondent is hereby directed to initiate the disciplinary proceedings immediately, against the petitioner and in this regard charge-memo shall be served on the petitioner, within a period of two weeks from the date of receipt of a copy of this order and thereafter, after getting explanation, if they are not satisfied, enquiry can be conducted within a period of four weeks thereafter and final order shall be passed, within a period of two weeks thereafter, after getting further explanation, if any, from the petitioner. All together the disciplinary proceedings shall be concluded and final order shall be passed within a period of eight weeks from the date of receipt of a copy of this order.

9. It is made clear that within the said period if the disciplinary proceedings is not concluded and final order is not passed, for which no reason is attributable towards the petitioner, the impugned order of suspension shall stand rescinded and the petitioner shall be entitled to get the reinstatement.

10. With this directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed."



5. Relying upon the said decision, on the same lines, this petition also can be dealt with, as the respondent would shortly complete the disciplinary proceedings initiated against the petitioner and after completing the disciplinary proceeding, depending upon the outcome of the same, further decision would be taken and if the disciplinary proceeding is not completed within the time frame, the order of suspension, which is impugned herein, would come to an end.

6. I have considered the said submissions made by both sides and also perused my earlier order in respect of another petitioner, who is also covered under the same impugned order. Accordingly, this writ petition is also disposed of with the following orders:

"that the respondent is hereby directed to initiate the disciplinary proceedings immediately, against the petitioner and in this regard charge-memo shall be served on the petitioner, within a period of two weeks from the date of receipt of a copy of this order and thereafter, after getting explanation, if they are not satisfied, enquiry can be conducted within a period of four weeks thereafter and final order shall be passed, within a period of two weeks thereafter, after getting further explanation, if any, from the petitioner. All together the disciplinary proceedings shall be concluded and final order shall be passed within a period of eight weeks from the date of receipt of a copy of this order.

7. It is made clear that, within the said period if the disciplinary proceedings is not concluded and final order is not passed, for which no reason is attributable towards the petitioner, the impugned order of suspension shall stand rescinded and the petitioner shall be entitled to get the reinstatement."

8. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// 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.



W.P.(MD)No.11334 of 2020

To

The District Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC) Tirunelveli
Tirunelveli District.

W.P. (MD) No.11334 of 2020

10.09.2020

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