



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.10.2021**

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P(MD) No.19501 of 2021

and

W.M.P(MD) Nos.16200 & 16201 of 2021

WEB COPY

Mr.P.Selvakumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
4th Floor, CMDA Towers,
Gandhi Irwin Bridge Road,
Egmore, Chennai.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Plot No.100, Anna Nagar,
Madurai.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Sipcot, Madurai South,
Kappalur,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari, to call for the records pertaining to the Impugned Order in Na.Ka:003199/2021/A dated 18.10.2021 on the file of the Respondent No.3 in so far as the petitioner is concerned and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.H.Arumugam,
Standing Counsel.

O R D E R

The petitioner has filed this Writ Petition challenging the impugned suspension order passed by the third respondent dated 18.10.2021.

2.The petitioner has challenged the impugned order of suspension dated 18.10.2021, on the ground that charges have been framed against the petitioner, without considering the explanation submitted by the petitioner in reply to the show-cause notice issued by the third respondent. Subsequently, the charge memo was issued by the respondents on 26.10.2021. The grievance of the



petitioner is that the respondents have not paid the subsistence allowance. Hence, the petitioner has filed this Writ Petition.

3.The learned counsel appearing for the respondents submitted that the petitioner has misappropriated some amounts. Hence, the third respondent has passed the impugned order of suspension dated 18.10.2021. Subsequently, charge memo has also been issued by the respondents on 26.10.2021.

4.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents Corporation.

5.Considering the facts and circumstances of the case, this Court is of the view that all these aspects to be decided, after concluding the enquiry. Therefore, at this stage, this Court is not inclined to interfere with the impugned suspension order. The learned counsel appearing for the petitioner has also agreed to dispose of the writ petition with a direction to the respondents to conclude the enquiry within the time stipulated by this Court. In view of the above, this Court is inclined to pass the following order:

(i) The respondents are directed to disburse the subsistence allowance to the petitioner in accordance with law within a period of two weeks from the date of receipt of a copy of this order;

(ii) The petitioner shall submit his explanation within a period of two weeks from the date of receipt of a copy of this order;

(iii) On receipt of the explanation from the petitioner, the respondents Corporation shall pass the final orders after following the procedure as contemplated under the Code, as early as possible, within a period of six weeks thereafter; and

(iv) the petitioner shall co-operate for the enquiry.

With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

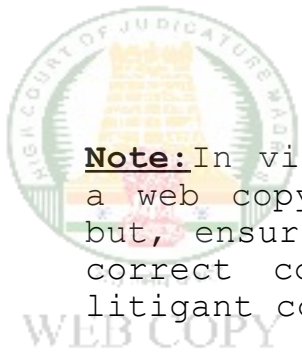
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/ /2021

Sub Assistant Registrar (CS)

VSM

<https://hcservices.ecourts.gov.in/hcservices/>



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

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Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-33558[F] dated 02/11/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-33474[F] dated 01/11/2021)

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and

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RS/JGB (18.11.2021) 3P 6C