



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**W.P(MD)No.22263 of 2021
& WMP(MD)Nos.18804 & 18808 of 2021**

P.Devaraj

... Petitioner

Vs.

The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC).,
Chenbagaramanpudur,
Nagercoil,
Kanyakumari District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order of suspension in Na.Ka.No.A1/5791/2021 dated 29.11.2021 by the respondent herein and quash the same.

For Petitioner : Mr.S.Deenadhayalan
For Respondents : Mr.B.Jameel Arasu

ORDER

Heard Mr.S.Deenadhayalan, learned counsel appearing for the petitioner and Mr.B.Jameel Arasu, learned counsel appearing for the respondent.

2.This Writ Petition has been filed challenging the impugned order of suspension passed by the respondent in Na.Ka.No.A1/5791/2021 dated 29.11.2021.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The petitioner, who is working as Supervisor in TASMAC Shop no.4823, at Kozhivilai, Killiyur Taluk, Kanyakumari District, has been placed under suspension by the order dated 29.11.2021 impugned in this Writ Petition on the ground that there are some variations in the stocks.



5.The learned counsel for the petitioner submits that without verifying the stocks properly, in a vindictive manner, the orders have been issued as against the petitioner. A show cause notice was also issued to the petitioner, for which, he has submitted his reply along with relevant documents. But without considering the same, the petitioner has been placed under suspension, which cannot be sustained.

6.Mr.B.Jameel Arasu, learned counsel, who takes notice for the respondent submits that there was a shortage of stocks to the tune of Rs.24,220/- in the shop and therefore, the petitioner, who is working in the said shop, has been placed under suspension and an enquiry has also been contemplated. He has also produced a copy of the charge memo in Na.Ka.No.A1/5791/2021 dated 09.12.2021 before this Court.

7.The learned counsel for the petitioner disputed the same stating that no such charge memo has been served upon him.

8.This Court directed the learned counsel appearing for the respondent to serve a copy of the charge memo on the petitioner in the Open Court and accordingly, it has been furnished to the learned counsel for the petitioner.

9. Since certain charges have been contemplated as against the petitioner based on serious allegation that there was a shortage of stocks to the tune of Rs.24,220/- and a charge memo has also been issued on 09.12.2021, this Writ Petition is disposed of, with a direction to the respondent to appoint an enquiry officer and proceed with the enquiry and to conclude the same within a period of eight weeks from the date of receipt of a copy of this order. In the mean time, the respondent shall pay subsistence allowance to the petitioner herein, which he is otherwise eligible, in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

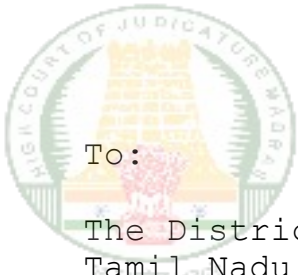
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/ /2022

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



To:

The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC).,
Chenbagaramanpudur,
Nagercoil,
Kanyakumari District.

**W.P (MD) No.22263 of 2021
15.12.2021**

MGJ(21.01.2022) 3P 2C