



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.NO.3157 OF 2022

K.Ramesh

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC)
Office at Thalamuthu Natarajan
Maaligai,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2. The District Manager,
Tamil Nadu State Marketing
Corporation Ltd.,
Kancheepuram (North)
having office at Thirumazhisai,
Sembarambakkam,
Chennai - 600 123.

... Respondents

(Cause title Amended as per order of this Court
dated 21.02.2022)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to the order in bearing Na.Ka.No.4131/SUS/R1/2018 dated 05.03.2018 to quash the same and to issue consequential directions to the respondents to reinstate the petitioner in service.

For Petitioner : Mr.S.Sai Shankar

For Respondents : Mr.P.A.Arumugarajan
Standing Counsel



O R D E R

This writ petition has been filed seeking to quash the order bearing Na.Ka.No.4131/SUS/R1/2018 dated 05.03.2018 of the 2nd respondent and to issue consequential directions to the respondents to reinstate the petitioner in service.

2. It is the case of the writ petitioner that he was placed under suspension due to his involvement in a criminal case in Crime No.3/AC/2018/CC-II for the offence under Sections 7, 12, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 and it is pending in T.C No.1 of 2020 before the Special Judge, City Civil Court, Chennai. The petitioner's name was not found in the First Information Report. At this juncture, Mr.S.Gunasekaran, who is the first accused in the aforesaid case has been reinstated in the service based on his superannuation, as per the order of this Court in W.P No.10494 of 2020 dated 06.08.2021. In spite of repeated representations made to the respondents to review his order of suspension and to reinstate him without prejudice to the pendency of the criminal proceedings, the same was not considered so far. Hence, he filed W.P No.18932 of 2020 to consider his representation and the same was ordered on 04.08.2021, but till date, no order has been passed for revocation of his suspension. Hence, the petitioner has filed the present writ petition with the same prayer.

3. The learned Standing Counsel appearing for the respondent corporation would submit that the case of the writ petitioner in W.P No.10494 of 2020 stands on different footing and as he was at the stage of superannuation, the revocation of suspension order was considered by this court.

4. As per the decision of the First Bench of this Court, in the case of D.Jawahar v. The Chairman, TNEB, Anna Salai, Chennai in W.A No.552 of 2020, the prayer sought for by the present writ petitioner cannot be granted by this Court. Considering the facts and circumstances of the case and in the light of the aforesaid decision of this Court, this Court is inclined to pass the following order:

(i) The 2nd respondent shall consider the representation of the petitioner for revocation of his suspension in accordance with law and in the light of the decision of this Court.

(ii) If any departmental proceedings is pending, the same shall be completed as early as possible.



(iii) Further, this Court directs the Special Judge, City Civil Court, Chennai, to complete the trial in T.C No.1 of 2020 and pass orders on merits and in accordance with law, more preferably, within period of 12 months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Judge,
City Civil Court, Chennai,
2. The Managing Director,
Tamil Nadu State Marketing
Corporation Ltd.,
Office at Thalamuthu Natarajan
Maaligai,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The District Manager,
Tamil Nadu State Marketing
Corporation Ltd.,
Kancheepuram (North),
Office at Thirumazhisai,
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W.P.No.3157 of 2022

GP(CO)
PM/01/04/2022