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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.4411 of 2022

and

WMP.Nos.4545 & 4546 of 2022

A.Senthilkumar

.. Petitioner

vs.

1. The Managing Director,
Tamil Nadu Marketing Corporation Ltd.,
(TASMAC Ltd.),
Thalamuthu Natarajan Maaligai,
Egmore, Chennai-600 008.

2. The Senior Regional Manager,
Tamil Nadu Marketing Corporation Ltd.,
(TASMAC Ltd.),
56, Brindavan Road,
Fairlands, Salem-16.

3. The District Manager,
Tamil Nadu Marketing Corporation Ltd.,
(TASMAC Ltd.),
Salem District, Santhiyur,
Salem-636 203.

.. Respondents

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 impugned order passed by the 3rd respondent dated 26.10.2021 in Che.Mu.Na.Ka.688/2021/A-4/CV and quash the same, consequently direct the respondents to reinstate the petitioner as Salesman at TASMAC shop No.7453 of the 3rd respondent District.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.K.Sathikumar
Standing Counsel for TASMAC.



O R D E R

By consent, this writ petition is taken up for final disposal. Challenge in the writ petition is to the impugned order of suspension dated 26.10.2021 passed by the third respondent and for a consequential direction to the respondents to reinstate the petitioner as Salesman at TASMAL shop No.7453 of the third respondent District.

2. According to the petitioner, the petitioner was absent from duty due to bonafide reasons and the same was also explained to the respondents, but the same was not considered and he was suspended from service. It is also the grievance of the petitioner that he has not been paid with subsistence allowance and therefore, he has submitted a representation to the respondents on 25.12.2021 for payment of subsistence allowance and the same is also kept pending.

3. The learned Standing Counsel for the Respondents/Corporation would submit that the respondents Corporation has initiated departmental proceedings for the unauthorized absence of the petitioner during the period from 28.09.2021 to 12.10.2021 and the petitioner appeared before the Enquiry Officer and the Enquiry Officer submitted his report before the third respondent, who in-turn issued show cause notice to the petitioner to submit his explanation, but so far the petitioner has not submitted his explanation. The learned Standing Counsel for the respondents further submits that if any such explanation is filed by the petitioner within time, the same will be considered and final orders will be passed by the third respondent at the earliest.

4. In view of the above submissions, this Court directs the petitioner to submit his explanation, to the show cause notice, within a period of one week from the date of receipt of a copy of this order and upon receipt of the same, the third respondent shall consider the same and pass orders on merits and in accordance with law, within a period of four weeks thereafter. As regards payment of Subsistence Allowance is concerned, the respondents are directed to consider the representation of the petitioner dated 25.12.2021 and pass orders within a period of ten days from the date of receipt of a copy of this order.



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

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Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Managing Director,
Tamil Nadu Marketing Corporation Ltd. (TASMAC Ltd.),
Thalamuthu Natarajan Maaligai,
Egmore, Chennai-600 008.
2. The Senior Regional Manager,
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56, Brindavan Road,
Fairlands, Salem-16.
3. The District Manager,
Tamil Nadu Marketing Corporation Ltd.,
(TASMAC Ltd.), Salem District, Santhiyur,
Salem-636 203.

+lcc to Mr.Jothimanian, Advocate, S.R.No.13329

W.P.No.4411 of 2022

NMI (CO)
SU (04/03/2022)