



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.8385 of 2022
and
W.M.P.No.8342 of 2022

R.V.Ramesh Kumar

...Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Marketing
Corporation Limited,
CMDA Tower - II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.

2. The District Manager,
Chennai Central, TASMAL, Unit II,
Plot No.B4, Industrial Estate,
Ambattur, Chennai - 600 053.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pay the Subsistence Allowance to the petitioner and then pass final orders pursuant to the suspension order dated 15.09.2021 at the earliest.

For Petitioner : Mr.P.Suresh Babu
For Respondents : Mr.K.Sathishkumar
Standing Counsel

O R D E R

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

2. The case of the petitioner in brief:

While the petitioner herein was working as Shop Supervisor under the respondent Corporation, he was suspended from service on 15.09.2021. Subsequently, the respondent



Corporation has initiated the disciplinary proceedings against the petitioner and a charge memo has been framed against the petitioner on 24.09.2021. Thereafter, the petitioner has submitted his explanation for the aforesaid charge memo and an enquiry was conducted and concluded. But, so far no final order has been passed in the aforesaid disciplinary proceedings. Apart from that, the petitioner was not provided subsistence allowance till date. The non-payment of subsistence allowance is violation of principles of natural justice. Hence, he issued a legal notice to the respondents on 19.01.2022 and also, finally made a representation on 01.03.2022, however, till date no response from the respondents. Hence, he filed this instant writ petition before this Court.

3. Mr.K.Sathishkumar, learned Standing Counsel takes notice for the respondents and he would fairly submit that the subsistence allowance has not been paid to the petitioner and therefore, he undertakes to pay the subsistence allowance to the petitioner as per the statutory rules within a period of three weeks. He would further submit that the said disciplinary proceedings will be concluded within a time as prescribed by this Court.

4. In view of the aforesaid submissions, this Court is inclined to pass the following order:

(i) The respondents are directed to pay the subsistence allowance within a period of three weeks, on the request made by the petitioner.

(ii) Further, the respondents are directed to conclude the disciplinary proceedings and pass final orders, as expeditiously as possible, within a period of eight weeks time from the date of receipt of a copy of this order.

(iii) The petitioner shall also undertake to co-operate with the respondents to conclude the proceedings.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
CMDA Tower - II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.

2.The District Manager,
Chennai Central, TASMAL, Unit II,
Plot No.B4, Industrial Estate,
Ambattur, Chennai - 600 053.

+1 CC to Mr.P.Suresh Babu, advocate sr 23569.

W.P.No.8385 of 2022
and
W.M.P No.8342 of 2022

MT(CO)
SP(27/04/2022)