



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM :

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.14492 OF 2021

AND

WMP.NO.15382 OF 2021

R.Sakthivel

...Petitioner

Vs.

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

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Tiruchirapalli.

3.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Villupuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records culminating in the order of impugned suspension dated 10.02.2021 bearing Na.Ka.No.A1/11667/2020 issued by the third respondent and quash the same and direct the third respondent to reinstate the petitioner in service along with all backwages.

For Petitioner : Mr.M.Premkumar
for M/s.M.Aravind Subramaniam

For Respondents : Mr.K.Sathishkumar,
Standing Counsel for TASMAC

O R D E R

Challenge in this writ petition is to the impugned order of suspension passed by the third respondent dated 10.02.2021 and for a direction to the third respondent to reinstate the petitioner in service along with all backwages.



2. According to the respondent Corporation, the petitioner was suspended from service on the allegation of his involvement in misappropriation to the tune of Rs.3,23,640/- on 10.02.2021, while he was working as a Salesman and pending the suspension order, the petitioner has remitted the said amount on the next day on 11.02.2021. But subsequently, the respondent has not passed any order for revocation of the suspension order.

3. According to the learned counsel for the petitioner, the petitioner has remitted the said alleged misappropriated amount of Rs.3,23,640/- on 11.02.2021 and vide letter dated 18.12.2021, he and two other co-delinquents had remitted to the respondent Corporation, but still the petitioner is kept under suspension and hence, he seeks for revocation of the suspension order.

4. The learned Standing Counsel for the respondents submitted that for committing misappropriation of amount, the petitioner has to pay fine to the respondents Corporation, but as on today, no fine amount has been imposed on the petitioner and the petitioner has been paid subsistence allowance in pursuant to the interim order passed by this Court.

5. Admittedly, the petitioner has been kept under suspension for more than one year without proceeding with the disciplinary proceedings. Therefore, this Court directs the respondents to consider the petitioner's representation dated 10.02.2021 for revocation of the suspension order passed by the third respondent and pass order on merits and in accordance with as expeditiously as possible, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that revocation of the suspension order is subject to the outcome of the disciplinary proceedings to be initiated by the respondents.

6. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

Jvm

To

1. The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAC),
4th Floor, CMDA Towers,
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2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Tiruchirapalli.

3.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Villupuram District.

+1cc to M/s.M.Aravind Subramaniam, Advocate Sr.No.10000

W.P.No.14492 of 2021

PCH(CO)
RVM(07/03/2022)