



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.16821 of 2020
and WMP.Nos.20862, 20864 & 20868 of 2020

T.Sundara Pandiyan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
Gandhi Irwin Road,
Egmore, Chennai - 8.

2. The General Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Gandhi Irwin Road,
Egmore, Chennai - 8.

3. The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd.,
Salem District.

... Respondents

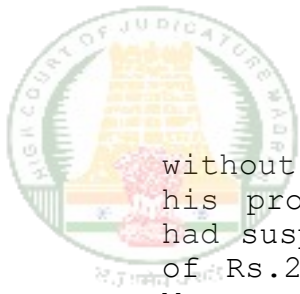
PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the third respondent vide Na.Ka.No.420/A3/2018/CV dated 16.04.2018 and to quash the same and consequently, direct the third respondent to revoke the order of suspension dated 16.04.2018 and reinstate the petitioner in service with all attendant benefits.

For Petitioner : Mr.S.Vijayakumar
For Respondents : Mr.K.Sathish Kumar (TASMAC)

O R D E R

The relief sought for in the writ petition is to quash the order of suspension issued by the third respondent vide his proceedings in Na.Ka.No.420/A3/2018/C.V., dated 16.04.2018 and consequently, revoke the order of suspension and reinstate the petitioner in service with all attendant benefits.

2.On 04.01.2004, the petitioner was appointed as a Supervisor in Tamil Nadu State Marketing Corporation Limited (TASMAC), and ever since he has been discharging his duties



without any adverse remarks. Whiles, the third respondent vide his proceedings in Na.Ka.No.420/A3/2018/C.V., dated 16.04.2018, had suspended the petitioner in pursuant to the seizure of a sum of Rs.2,50,500/- on 02.02.2018 from the office of the District Manager, the third respondent herein, which amount was stated to be unaccounted. Hence, the petitioner made a representation dated 07.09.2018 to the first respondent and the same was not considered. Aggrieved over the same, the petitioner filed a writ petition in WP.No.21090 of 2019 before this Court and by order dated 21.11.2019, the second respondent was directed to dispose of the representation dated 07.09.2018, within a period of twelve weeks. On receiving the above said order, the petitioner once again approached the respondents through his representation dated 27.05.2020 and sought for revocation of suspension, against which, he received a notice for an enquiry from the second respondent on 15.06.2020 vide proceedings in Na.Ka.No.470/2018/A-4/C.V., to appear on 19.06.2020 under the provisions of Code of Prevention and Detection of Fraudulent Acts in TASMAL, 2014. The petitioner appeared before the second respondent but no progress is made till date. Hence, writ petition.

3.The learned counsel for the petitioner would submit that the writ petitioner was placed under suspension by the third respondent on account of the seizure of sum of Rs.2,50,500/- from the office of the third respondent and thereafter, as per the order of this Court an enquiry was conducted by the enquiry officer and the report has also been submitted to the third respondent but so far no final order has been passed by the third respondent and no subsistence allowance has been paid during the suspension period.

4.Mr.K.Sathishkumar, learned Standing Counsel for TASMAL submitted that the enquiry has been conducted and the enquiry officer has submitted an enquiry report to the third respondent and the third respondent will pass orders as early as possible.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.In view of the above facts and circumstances of the case, this Court is inclined to pass the following order:

(i).The third respondent is directed to pass final orders based on the report submitted by the Enquiry Officer and also by taking into account the representation submitted by the petitioner dated 27.05.2020 as expeditiously as possible, within a period of six weeks from the date of receipt of a copy of this order.



(ii).Insofar as the subsistence allowance is concerned, the petitioner is directed to made a fresh representation to the authority concerned and on such receipt of the representation, the authority concerned is directed to pass final orders within a period of six weeks from thereafter.

7.With the above directions, the Writ Petition is disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Managing Director,
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Chennai - 8.
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3. The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd.,
Salem District.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.20262

W.P.No.16821 of 2020

SV(CO)
CT 08/04/2022