



WEB COPY



W.P.No.25578 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.25578 of 2022 and
W.M.P.Nos.24575 & 24576 of 2022

M.Arumugam

... Petitioner

Vs

The District Manager,
Tasmac Limited,
Kancheepuram (South)
Kancheepuram.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records on the file of the respondent in Ref.ந.க.எண்.1577/அ1/2022 நாள் 08.7.2022 and quash the same.

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.K.Balakrishnan
Standing Counsel

ORDER

The prayer sought for herein is for a writ of certiorari to call for the records on the file of the respondent in Ref.ந.க.எண்.1577/அ1/2022 நாள் 08.7.2022 and quash the same.



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2. The petitioner has been working as Salesman at TASMAC shop No.4366 at Kancheepuram (South) District and against whom pending disciplinary proceedings for the alleged reason that he employed a third party for looking after the sale of the shop, he has been placed under suspension by order dated 08.07.2022. Challenging the same, the present writ petition has been filed.

3. Heard Mr.D.Bharathy, learned counsel appearing for the petitioner who would submit that though the petitioner has been placed under suspension with effect from 08.07.2022, so far no charge memo has been issued and no disciplinary proceedings having been initiated and he would also submit that, the respondent in most such cases only placed the employees under suspension without conducting an enquiry and for a longer period such employees would be kept under suspension. Therefore, in the case of the petitioner also he apprehends that, no disciplinary proceedings be initiated but they wanted to keep the petitioner under prolonged suspension for longer period.

4. However, Mr.K.Balakrishnan, learned Standing Counsel who



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accepts notice for the respondent, on instruction, would submit that, within two weeks period, charge memo against the petitioner would be issued and after getting his explanation, enquiry would be conducted and it would be completed within a time frame that may be stipulated by this Court. Based on such enquiry in the disciplinary proceedings, further course of action would be decided.

5. I have considered the said rivals submissions made by the learned counsel appearing for the parties.

6. Since the petitioner has been placed under suspension only on 08.07.2022, it cannot be treated as a prolonged suspension, but at the same time the respondent cannot keep the petitioner under suspension without initiating the disciplinary proceedings by framing the definite charge and serve the same on the petitioner for getting his explanation.

7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondent to issue



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charge memo, if they want to issue and to continue the disciplinary proceedings against the petitioner, within a period of two weeks from the date of receipt of a copy of this order and thereafter, after getting the explanation from the petitioner within two weeks, then the respondent shall decide to conduct the enquiry and if so the enquiry shall be conducted and completed within a period of two months thereafter. Depending upon the outcome of the decision to be made in the said disciplinary proceedings after completing the enquiry, the decision whether the suspension made against the petitioner which is impugned herein is to be revoked or further action can be taken against the petitioner can be decided by the respondent.

8. With these directions, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No



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Speaking Order : Yes/No

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To

The District Manager,
Tasmac Limited,
Kancheepuram (South)
Kancheepuram.



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R. SURESH KUMAR, J.

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