



WEB COPY



W.P.No.29003 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29003 of 2022

K.Balamurugan

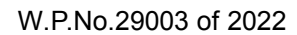
... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Marketing Corporation,
(TASMAC),
CMDA Tower-II, 4th floor, Egmore,
Chennai - 600 008.
2. The Senior Regional Manager (TASMAC),
District Collector Office,
Old Building First Floor,
DRO Chamber, Tiruchirappalli - 620 001.
3. The District Manager,
Tamil Nadu state Marketing Corporation (TASMAC),
No.72, C.P.3, SIDCO Estate,
BHEL Nagar, Thuvakudi,
Trichy - 620 015.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st respondent to pay the subsistence allowance during the period of pending departmental proceeding



For Petitioner	...	Mr.K.Ramesh Kumar
For Respondents	...	Mr.K.Sathish Kumar, Standing Counsellor for TASMACH

This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to pay the subsistence allowance during the period of pending departmental proceedings and reinstate the petitioner in service based on the petitioner's representation dated 21.06.2022 within a time frame to be fixed by this Court.

2. Heard, Mr.K.Ramesh Kumar, learned counsel for the petitioner and Mr.K.Sathish Kumar, learned Standing Counsel appearing for the respondent TASMAL. By consent of both the parties, the writ petition is taken up for final disposal.

3. As seen from the affidavit filed in support of this writ petition, the petitioner was imposed with the punishment for the misappropriation



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committed by him and he was called upon to pay the amount of misappropriation along with interest. The petitioner claims that he has paid the entire amount as per the punishment order. He has given a representation on 21.06.2022 seeking for reinstatement as well as for payment of subsistence allowance for the period of his suspension on the ground that he had paid the entire amount as per the punishment order. Since the representation has not been considered till date, he has filed this writ petition.

4. The 3rd respondent has forwarded the representation of the petitioner to the 1st respondent who is the competent authority to pass final orders on the petitioner's representation. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the 1st respondent to pass final orders on the petitioner's representation dated 21.06.2022 seeking for payment of subsistence allowance during the period of his suspension and for reinstatement of his service, on account of the fact that he has paid the entire amount as per the punishment order, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the aforesaid direction, this Writ Petition is disposed of. No

costs.

03.11.2022

Index: Yes/ No
Speaking Order/Non-speaking Order
vsi

To

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ABDUL QUDDHOSE, J.

vsi

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