



W.P.(MD)No.734 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.734 of 2023
and
W.M.P(MD)No.733 of 2023

S.Kodeeshwaran

... Petitioner

Vs.

**The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation,
Thanjavur.**

... Respondent

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to furnish the documents pertaining to the petitioner suspension by considering his representation dated 21.11.2022 and 28.12.2022.

For Petitioner	: Mr.C.M.Arumugam
For Respondent	: Mr.H.Arumugam, Standing Counsel



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ORDER

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This writ petition has been filed for a direction to the respondent to furnish the documents pertaining to the petitioner's suspension by considering his representation, dated 21.11.2022 and 28.12.2022.

2. The case of the petitioner is that he worked as a Salesman in the respondent Corporation in Shop No.7928 at Vilangudi Road, Thiruvaiyaru, Thanjavur District. He was placed under suspension for certain allegations and a criminal case was also registered in Crime No.641 of 2022 for the offence under Sections 294(b), 352 and 506(ii) of I.P.C. The grievance of the petitions is that, during enquiry, the petitioner sought for certain documents and the same was not considered. Hence, the petitioner made a representation dated 21.11.2022 and 28.12.2022. However, the same was not considered. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondent is directed to dispose of the representation of the petitioner, dated 21.11.2022 and 28.12.2022, on



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merits and in accordance with law, within a specified period.

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4. The learned standing counsel appearing for the respondent, would submit that pursuant to the representation made by the petitioner, the respondent passed an order, dated 03.01.2023, directing the petitioner to give explanation to the charge memo within a period of seven days. However, without challenging the order, dated 03.01.2023, filing of this writ petition seeking for a Mandamus is not maintainable.

5. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondent and perused the materials placed before this Court.

6. In view of the allegations made in the charge memo, the petitioner made a representation to the respondent to furnish certain documents on 21.11.2022. Pursuant to which, the respondent pass orders on 16.12.2022, stating that the documents sought for by the petitioner is nothing to do with the charge memo issued against the petitioner and the same will not be useful for the departmental enquiry and therefore,

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directed the petitioner to give explanation the charge memo within seven days. Subsequently, the petitioner made yet another representation on 28.12.2022, for which also, the respondent passed an order on 03.01.2023 reiterating the very same reasons stated in the order dated 16.12.2022 for rejecting the claim of the petitioner.

7. This Court is of the view that even there is no relevancy of documents sought for by the petitioner, in view of the Right to Information Act, no prejudice would be caused, if the said documents are furnished to the petitioner. Therefore, the respondent is directed to consider the representation of the petitioner, dated 28.12.2022 and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

11.01.2023

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NCC:Yes/No
Index:Yes/No
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M.DHANDAPANI,J.

pm

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