



W.P(MD)No.6306 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6306 of 2023
and
W.M.P(MD)No.5988 of 2023

S.Kodeeshwaran

... Petitioner

Vs

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned suspension order in Na.Ka.No.7928/A-1/2022 dated 19.10.2022 issued by the respondent quash the same as illegal and consequently direct the respondent to reinstate the petitioner into service as Salesman in the Tamil Nadu State Marketing Corporation.

For Petitioner : Mr.CM.Arumugam

For Respondent : Mr.H.Arumugam
Standing Counsel



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ORDER

Heard the learned counsel on either side.

2. The petitioner is working as a salesman in a liquor outlet run by the respondent corporation. On 15.10.2022, there arose scuffle between the petitioner and one Alaguraj working as a Supervisor in the very same outlet. The case and counter case were registered. Crime No.642 of 2022 on the file of Thiruvaiyaru Police Station was registered at the instance of the petitioner while Crime No.641 of 2022 was registered against the petitioner. Citing this development, the petitioner was suspended from service on 19.10.2022. Questioning the same, the present writ petition came to be filed.

3. I am not inclined to set aside the impugned order. The suspension was rightly issued because the petitioner was found to have engaged in physical quarrel with fellow employee. The question that arises for consideration is whether the suspension should be continued. More than six months have elapsed. The petitioner obviously has suffered enough. He is also facing disciplinary action.



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4. The learned Standing Counsel states that the petitioner is yet to offer his reply. It appears that the Supervisor, Thiru.Alaguraj had offered his explanation and final order was also passed in his case. It is stated that he has been reinstated in service. The petitioner need not be treated otherwise.

5. Considering the nature of facts and circumstances of the case, since continuance of the petitioner's suspension is not going to serve any purpose, the respondent is directed to revoke the petitioner's suspension and reinstate him in service forthwith and without any delay. Such a revocation order will be passed after getting the petitioner's reply in response to the charge memo. The petitioner should also give further undertaking that he will co-operate in the enquiry.

6. This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

26.04.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

MGA

To

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Tamil Nadu State Marketing Corporation,
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and

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