



W.P.(MD).No.20174 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.20174 of 2023

and

W.M.P(MD)No.16638 of 2023

S.Karthikeyaraja

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
CMDA Tower II, Gandhi Erwin Bridge Road,
Egmore,
Chennai-600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Plot No.100, Anna Nagar,
Madurai-625 020.

3.The Deputy Collector / District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Sivagangai,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records pertaining



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to the impugned suspension order issued to the petitioner by the third respondent in Na.Ka.No.A1/1399/2023, dated 17.07.2023.

For Petitioner : Mr.L.Shaji Chellan

For Respondents : Mr.H.Arumugam
Standing Counsel

ORDER

The present writ petition has been filed by a Salesman of the Tamil Nadu State Marketing Corporation Limited (TASMAC) challenging an order of suspension.

2. As per the order impugned in the writ petition, dated 17.07.2023, the petitioner is alleged to have picked up quarrel with a customer demanding higher rate than the MRP, which was telecast in a TV on 16.07.2023. The order of suspension has been passed on administrative grounds.

3. After passing the order of suspension, the petitioner has been issued with the charge memo on 02.08.2023. On 28.08.2023, the petitioner has sought for certain documents, so that he could submit his explanation in detail. However, without furnishing the documents, the enquiry notice has been issued



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on 24.08.2023, calling upon the employee to appear for an enquiry on 29.08.2023. A second enquiry notice has been issued on 14.09.2023, calling upon the employee to appear for an enquiry on 25.09.2023.

4. According to the learned Counsel appearing for the writ petitioner, the order has been passed on the basis of a concocted video said to have been telecast in a private channel. Unless the entire episode is furnished to him, he will not be in a position to submit his explanation. He further contends that though it is mentioned in the impugned order that he has been suspended on administrative grounds, allegations have been imputed as against the writ petitioner in the said order of suspension. Therefore, the said order should be quashed.

5. Per contra, the learned Standing Counsel appearing for the respondent Corporation had contended that unless the petitioner co-operates for the enquiry, they will not be in a position to revoke the order of suspension.

6. A perusal of the letter, dated 28.08.2023 addressed by the writ petitioner to the employer reveals that he sought four documents for submitting



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his further explanation. It is evident from the suspension order that no complaint has emanated from any general public on telecasting of the video clipping in a private channel. In such view of the matter, the respondent Corporation will not be in a position to furnish a copy of the complaint lodged by any one of the general public. Therefore, the writ petitioner is directed to submit his explanation on or before **17.10.2023**. The enquiry shall be completed on or before **30.10.2023** and final orders shall be passed. In case if the enquiry could not be completed in view of the delay on the part of the respondent Corporation, the suspension shall be revoked with effect from 01.11.2023 and thereafter, the enquiry may be proceeded with in accordance with law.

7. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

10.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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R.VIJAYAKUMAR, J.

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