



W.P.(MD).Nos.30049 to 30051 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.30049 to 30051 of 2023

V.Venkatesan

... Petitioner
(in W.P(MD) No.30049 of 2023)

P.Vadivel

... Petitioner
(in W.P(MD) No.30050 of 2023)

A.Vasudevan

... Petitioner
(in W.P(MD) No.30051 of 2023)

Vs.

The District Manager/Sub Collector,
Tamil Nadu State Marketing Corporation Limited,
Trichy District,
Trichy.

... Respondent
(in all writ petitions)

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent not to proceed with departmental enquiry as against the petitioner pursuant to charge Memo dated 16.12.2022 vide in Na.Ka.No.C.V-2/1487/2022 issued by the respondent for non-payment of subsistence allowance for the suspension period starts from 26.11.2022.



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In all writ petitions:

For Petitioners : Mr.A.M.Ramanathan

For Respondent : Mr.S.Sivanesan
Standing Counsel

COMMON ORDER

The present writ petitions have been filed by the Supervisor and Salesman of a TASMACH Shop, challenging the enquiry proceedings as against them on the ground that without payment of subsistence allowance, the respondent should not proceed with the enquiry.

2. The learned standing counsel appearing for the respondent Corporation submitted that the enquiry has been completed and report has been submitted to the respondent herein and the respondent has also issued a second show cause notice. Therefore, staying the enquiry proceedings at this stage does not arise.

3. The learned counsel appearing for the petitioners, on instructions submits that the respondent herein may be directed to pay the subsistence



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allowance to all the petitioners before passing final orders.

4. In view of the above said facts, the respondent herein is directed to pay the subsistence allowance to all the petitioners within a period of two weeks from the date of receipt of a copy of this order. Only after payment of subsistence allowance, the authority is permitted to pass final orders based upon the enquiry report.

5. With the above said observations, these Writ Petition stand disposed of. There shall be no order as to costs.

19.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To
The District Manager/Sub Collector,
Tamil Nadu State Marketing Corporation Limited,
Trichy District,
Trichy.



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