



W.P.No.13539 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13539 of 2024

and

W.M.P.No.14688 of 2024

Shankar

.. Petitioner

Vs.

1.The Senior Regional Manager,
Tamilnadu State Marketing Corporation Ltd (TASMAC),
Chennai – 600 002.

2.The District Manager,
Tamilnadu State Marketing Corporation Ltd (TASMAC),
Tiruvallur (West),
Thiruvallur District.

3.The Inspector of Police,
Vigilance and Anti Corruption,
Tiruvalur.

.. Respondents

(R3 *suo motu* impleaded as per
order of this Court dated 03.06.2024
in W.P.No.13539 of 2024)

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



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of the respondents in connection with the impugned order passed by the 2nd respondent in Se.Mu.Ka.No.A1/75/2023 dated 16.04.2024 and quash the same and further direct the 2nd respondent to reinstate the petitioner into service with all consequential service and monetary benefits.

For Petitioner	:	Mr.Dhinesh Kumar for Dhinesh Kumar Associates
For RR 1 & 2	:	Mr.K.Balakrishnan Standing Counsel
For R3	:	Mr.Stalin Abhimanyu Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 16.04.2024 whereby the petitioner was placed under suspension based on a criminal case in Crime No.3 of 2023 and for a consequential direction to the 2nd respondent to reinstate the petitioner into service with all consequential benefits.

2.Heard the learned counsel for the petitioner, learned Standing Counsel for the respondents 1 & 2 and the learned Additional Government Pleader for the 3rd respondent.



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3.The petitioner was appointed as a Salesman in TASMAL in the year 2003. During the relevant point of time, the petitioner was assigned the Driver duty to the District Manager, Thiruvallur. An FIR came to be registered in Crime No.3 of 2023 for the offences under the Prevention of Corruption Act and the petitioner was arrayed as A2 in this FIR. The petitioner was arrested and remanded to judicial custody.

4.The 2nd respondent passed an order dated 10.03.2023 removing the petitioner from service. The same became a subject matter of challenge in W.P.No.18706 of 2023. The said writ petition was allowed by order dated 21.12.2023 and liberty was granted to the 2nd respondent to initiate fresh proceedings, if so required.

5.Pursuant to the above order, the impugned proceedings dated 16.04.2024 came to be issued by the 2nd respondent placing the petitioner under suspension due to the pending criminal proceedings. Aggrieved by the same, the present writ petition has been filed before this Court.

6.This Court has carefully considered the submissions made on either side and the materials available on record.



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7.It is seen that the petitioner has been under suspension from March, 2023 onwards. Originally an order was passed by removing the petitioner from service which was interfered by this Court and after the order passed by this Court in W.P.No.18706 of 2023 dated 21.12.2023, the 2nd respondent has proceeded to issue the suspension order dated 16.04.2024. Thus, the petitioner is not in service for nearly 1 and 1/2 years.

8.The petitioner is receiving the subsistence allowance during the period of his suspension. No useful purpose will be served by continuing with the suspension of the petitioner for a prolonged period.

9.In the light of the above discussion, taking into consideration the facts and circumstances of the case and the materials placed before this Court, there shall be a direction to the petitioner to submit a fresh representation before the 2nd respondent requesting for reviewing and revoking the order of suspension. On receipt of such representation, the 2nd respondent shall deal with the same on its own merits and in accordance with law and pass final orders within a period of four (4)



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weeks from the date of receipt of the representation. The 2nd respondent shall consider posting the petitioner in some non-sensitive post, so that salary can be paid to the petitioner after extracting work from him.

10.In the result, this Writ Petition is disposed of with the above directions. Consequently, the connected Miscellaneous Petition is closed.
No costs.

22.10.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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N.ANAND VENKATESH, J.

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