



W.P. No.18573 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.18573 of 2021
and
W.M.P.No.19820 of 2021

1.K.R.Ravi

2.T.Kuppusamy

3.R.Velmurugan

4.S.Veerasekaran

5.K.Ramesh

... Petitioners

Vs.

1.The Managing Director,
The Tamil Nadu State Marketing Corporation Ltd.,(TASMAC)
CMDA Tower II, 4th Floor,
Gandhi Irwin Bridge,
Egmore, Chennai-600 008.

2.The District Manager,
The Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Cuddalore.



W.P. No.18573 of 2021

3.The District Collector,
Cuddalore.

4.P.Ramakrishnan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the order of the 2nd respondent dated 13.08.2021 in proceedings No. A1(RV)3081/2482/2021, quash the same and consequently reinstate the petitioners as salesmen in Shop No.2482, Cuddalore District.

For Petitioners : M/s.A.L.Ganthimathi
Senior Advocate for
SA.Kanmani

For Respondents
R & R2 : No appearance.
R3 : M.Murali, Government Advocate.

ORDER

The petitioners who are five in number filed this writ petition, aggrieved by the impugned proceedings dated 13.08.2021 issued by the 2nd respondent suspending the petitioners from service pursuant in the inspection conducted on 10.08.2021 and on finding certain deficiencies including the deficit of Rs.23,610/- , pending enquiry into the said allegation.



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2. This Court, while entertaining this writ petition by an order dated 06.09.2021 suspended the impugned proceedings and thereby the petitioners are continuing in service. As submitted by the learned counsel for the petitioners, no disciplinary proceedings are initiated against the petitioners so far and they have been continuing in service.

3. Though counter affidavit is filed by the 2nd respondent, there is nothing stated about any enquiry proceedings that are initiated against the petitioners nor about pendency of any such proceedings. Further, when the matter was taken up for consideration earlier on 23.04.2024, there was no representation for the 2nd respondent. Hence, this Court, after hearing the learned counsel for the petitioners directed the matter to be listed under the caption 'for orders'. In spite of the matter being listed under the caption 'for orders', there is no representation for the 2nd respondent even today.

4. In the light of the above and also taking into consideration the fact that, no enquiry is initiated against the petitioners and also the fact that the petitioners have been continuing in service by virtue of interim orders passed by this Court, this Court is not inclined to adjourn the matter further.



W.P. No.18573 of 2021

5. As no enquiry proceedings have been initiated against the petitioner even after a lapse of 3 years, this Court does not see any reason to allow the impugned order to sustain any further. In the light of the above, the impugned order is liable to be set aside and the same is accordingly set aside. However, this will not come in the way of respondents to take any action against the petitioners in accordance with law, on the very same allegation on which petitioners were suspended.

6. Accordingly, this writ petition is allowed. The miscellaneous applications, if any, shall stand closed. No costs.

24.04.2024

Index : Yes/No
Speaking Order : Yes/No
dpa



W.P. No.18573 of 2021

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MUMMINENI SUDHEER KUMAR,J.

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W.P. No.18573 of 2021

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