



W.P.(MD)No.12016 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.12016 of 2024 &
W.M.P.(MD)Nos.10693 & 10694 of 2024

Sakthivel

... Petitioner

VS.

1.The Senior Regional Manger,
Tamil Nadu State Marketing Corporation Ltd.,
No.305-A, Vilankurichi Road,
Peelamedu Railway Junction Backside,
Chinthamani Co-operative Society Depot,
Peelamedu, Coimbatore.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the second respondent in Na.Ka.Ce.Ve2/615/2024, dated 20.05.2024 and impugned order dated 22.05.2024 in proceedings in Na.Ka.No.CV2/615/2024 and quash the same.



W.P.(MD)No.12016 of 2024

For Petitioner : Mr.S.Gokulraj
For Respondents : Mr.H.Arumugam
Standing Counsel

ORDER

Heard Mr.S.Gokulraj, learned counsel appearing for the petitioner and Mr.H.Arumugam, learned counsel appearing for the respondents.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the second respondent in Na.Ka.Ce.Ve2/615/2024, dated 20.05.2024 and impugned order dated 22.05.2024 in proceedings in Na.Ka.No.CV2/615/2024 and quash the same.

3. The petitioner who was working as an Additional Supervisor in the second respondent Corporation has been placed under suspension on the allegation that he is involved in conspiracy with other workers for doing some fraudulent activities for enriching themselves through the



W.P.(MD)No.12016 of 2024

illegal gains out of TASMACH shop under their control. After suspension order dated 20.05.2024, another proceedings was issued on 22.05.2024 calling upon him and others to pay back the proportionate sum which is found to be misappropriated. As against the petitioner, the amount is determined as Rs.50,686/-.

4. Mr.S.Gokulraj, learned counsel appearing for the petitioner submitted that it is the petitioner who actually gave a complaint about the illegal activities which affected the interest of the shop. It is his submission that without conducting any enquiry, a sum of Rs.50,686/- has been fixed to be recovered from the petitioner without any basis.

5. Mr.H.Arumugam, learned standing counsel who takes notice for the respondents submitted that only after issuance of notice, recovery was ordered and that charges have been framed against the petitioner and other others and disciplinary proceedings have also been initiated. Even if the petitioner is said to be the person who had brought the scam to light, the proceedings are in the initial stage and only after completion of



W.P.(MD)No.12016 of 2024

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enquiry proceedings, the respondent Corporation can come to know whether the charges against the petitioner is proved.

6. It seems that charges have been framed against the petitioner on certain *prima facie* grounds. At this stage, it is too early to interfere in the proceedings of the respondent Corporation. However, the petitioner can give a representation to the respondent Corporation to revoke the suspension on the grounds which he raised in this writ petition and on receipt of the same, the respondent Corporation shall consider the proactive role played by the petitioner and pass orders to revoke the suspension.

7. So far as the recovery of amount is concerned, the amount appears to have been determined even before the enquiry has been completed. In view of the same, I would only observe that the respondent Corporation shall not initiate any coercive steps to recover the amount so determined and wait until the completion of the enquiry proceedings. It goes without saying that the respondent Corporation has to pay



W.P.(MD)No.12016 of 2024

subsistence allowance to the petitioner, so long as, he is kept under suspension.

8. At this juncture, the learned counsel appearing for the petitioner submitted that certain amount has already been recovered from the petitioner. The amount so recovered from the petitioner, shall be reimbursed by the respondent Corporation.

9. With the above observations and directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

11.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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W.P.(MD)No.12016 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.12016 of 2024

11.06.2024