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W.P.(MD)No.15787 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15787 of 2024

and

W.M.P.(MD)No.13754 of 2024

K.Pulendran

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
4th Floor, CMDA Building Tower-11,
Gandhi Irwin Bride Road,
Egmore, Chennai-600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Trichy District.

3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
TASMAC, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned suspension order in Na.Ka.No.484/A1/2024 dated 25.06.2024 issued by the third respondent and quash the same as illegal and consequently direct the respondents to reinstate the petitioner into service along with the backwages within the time stipulated by this Court.

For Petitioner : Mr.S.Kanagaraj

For Respondents : Mr.H.Arumugam
Standing Counsel



W.P.(MD)No.15787 of 2024

ORDER

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This writ petition has been filed challenging the suspension order in Na.Ka.No.484/A1/2024 dated 25.06.2024 issued by the third respondent as illegal and consequently to direct the respondents to reinstate the petitioner into service along with the backwages within the time stipulated by this Court.

2.Heard Mr.S.Kanagaraj, learned counsel for the petitioner and Mr.H.Arumugam, learned Standing Counsel for the respondents.

3.The petitioner is working as a Supervisor in TASMAC. A case came to registered against the petitioner on the allegation that some persons had illegally sold liquor after the working hours of TASMAC shop in Crime No.213 of 2023. The petitioner was arrayed as fourth accused in the said case. On the basis of the above criminal case, the petitioner was placed under suspension. Challenging the same, the petitioner has filed this writ petition.

4.The learned counsel for the petitioner by relying upon the order of this Court dated 21.07.2019 in CrI.O.P.(MD)No.16739 of 2019, in which this Court had quashed the criminal proceedings, submitted that the impugned suspension order has been issued on account of the pendency of the FIR and it is not sustainable.

<https://www.mhc.tn.gov.in/judis>



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5.The order relied upon by the petitioner would help the petitioner, if the petitioner chooses to challenge the criminal proceedings. It is to be noted that the petitioner without making any representation to the respondents seeking revocation of the suspension order, has straight away filed this writ petition.

6.In view of the above, the petitioner is directed to make a representation to the second respondent seeking revocation of the suspension order by making valid reasons within a period of two weeks from the date of receipt of a copy of this order. The second respondent, after receipt of the same, shall consider the representation on its own merits and in accordance with law within a period of four weeks thereafter.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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R.N.MANJULA, J.

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