



W.P.NO.9126 OF 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.9126 OF 2025

G.Sakthi Premchander

... Petitioner

VS.

1.The Managing Director

Tamil Nadu State Marketing Corporation Ltd.,
C.M.D.A. Tower – 2, 4th Floor,
Egmore, Chennai – 600 008.

2.The General Manager (Wholesale and Admin)

Tamil Nadu State Marketing Corporation Ltd.,
C.M.D.A. Tower – 2, 4th Floor,
Egmore, Chennai – 600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari, to direct the 1st respondent to call for records pertaining to the impugned order dated 21.06.2024 in Procds. No.M3/4183/2024, quash the same, reinstate the petitioner in service.

For Petitioner : Mr.V.Krishnamoorthy

For Respondents : Mr.K.Balakrishnan
Standing Counsel



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ORDER

The writ petition has been filed in the nature of a Certiorari, seeking records relating to an order dated 21.06.2024 passed by the first respondent and to quash the same and for a consequential direction to reinstate the petitioner in service.

2.It is the contention of the petitioner that he was serving as the District Manager at TASMAL. On 08.03.2024, an FIR was registered in Crime No.1 of 2024 for the alleged offence punishable under Section 7 of the Prevention of Corruption Act, 1988, by the Inspector of Police, Vigilance and Anti-Corruption Department, Thiruvarur District, against the petitioner and another accused. According to the *defacto* complainant, the bribe amount was allegedly demanded in connection with a request for his transfer.

3.The learned counsel for the petitioner contended that no amount was recovered from the petitioner, and that the petitioner happened to be present with A2 in the chambers merely incidentally. It was further submitted that the petitioner had never made any demand for

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money and was not entrusted with any authority regarding the transfer or non-transfer of the *defacto* complainant. Nevertheless, the petitioner was placed under suspension by way of the impugned order dated 21.06.2024.

4.The learned counsel for the petitioner placed reliance on the judgment of the Hon'ble Supreme Court in ***Ajay Kumar Choudhary Vs. Union of India, through its Secretary and another [Civil Appeal No.1912 of 2015, dated 16.02.2015]*** wherein the Hon'ble Supreme Court issued directions concerning the prolonged suspension of public servants. In the said judgment, the Court laid down guidelines for examining such cases and emphasized the obligation of the competent authority to periodically review the suspension, at least once every three months. While the Court placed a caveat that these guidelines may not be directly applicable in cases involving allegations of corruption, it nevertheless stressed that continued payment of subsistence allowance without extracting any work would impose a burden on the public exchequer. The Court further observed that, where appropriate, the



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suspended public servant could be considered for posting in a non-sensitive position. Importantly, the Court also noted that no public post is inherently non-sensitive; every post carries with it certain responsibilities and must be approached with due seriousness.

5.The learned counsel for the petitioner submitted that although the petition filed by the petitioner in CrI.O.P.No.25528 of 2024 was dismissed by a learned Single Judge of this Court on 07.02.2025, it was nevertheless recorded in the order that the petitioner was only incidentally present in the chamber along with A2, and that no amount was recovered from the petitioner.

6.Heard the learned Standing Counsel for the respondents.

7.It is a matter of record that the petitioner has been under continuous suspension for nearly ten months as on date. The respondents are directed to consider the possibility of posting the petitioner in a district outside Thiruvavarur District, in a non-sensitive post. While doing



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so, the respondents shall take into account the fact that no amount was recovered from the petitioner, as also noted by the learned Single Judge in Crl.O.P.No.25528 of 2024. The respondents shall further consider the principles laid down by the Hon'ble Supreme Court in ***Ajay Kumar Choudhary Vs. Union of India*** (supra) and arrive at a considered decision within a period of six weeks from the date of receipt of a copy of this order.

8.The writ petition stands disposed of. No costs.

16.04.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
TK

To

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C.V.KARTHIKEYAN, J.

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