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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2025

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.9540 of 2025

and

W.M.P.Nos.10695 & 10696 of 2025

Shankar

.. Petitioner

Vs.

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

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

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents in connection with the impugned orders issued by the 2<sup>nd</sup> respondent in Se.Mu.Ka.No.A1/75/2023 dated 16.04.2024 and Se.Mu.Ka.No.A1/75/2023 dated 14.02.2025 and to quash the same and further direct the 2<sup>nd</sup> respondent to reinstate the petitioner into service with all consequential service and monetary benefits.

For Petitioner .. Mr.Dhineshkumar



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For R1 & R2 .. Mr.N.Balakrishnan, Standing Counsel

### ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of the respondents in connection with the impugned orders dated 16.04.2024 and 14.02.2025 and to quash the same. The petitioner seeks that he must be reinstated into service with all consequential benefits.

2.The petitioner is A2 in FIR in Crime No.3/AC/2023/TVL registered under Section 7 of the Prevention of Corruption Act, 1988 by the Inspector of Police, Vigilance and Anti-Corruption, Thiruvallur, on allegation that the petitioner along with A1, who was the District Manager to whom the petitioner was the driver had demanded bribe amount and was caught red handed in a trap proceedings. There was not only demand established, but also acceptance established. The petitioner had been thereafter placed under suspension on 10.03.2023, which was interpreted as an order of termination. Petitioner had filed W.P.No.17944 of 2023 and that particular order dated 10.03.2023 was set aside by an order of a learned Single Judge dated



21.12.2023. Thereafter, suspension order was passed on 16.04.2024. The petitioner again filed W.P.No.13539 of 2024. A learned Single Judge of this Court had passed an order on 22.10.2024 directing the respondent to review the entire issue and pass orders after fresh review. The impugned order came to be passed on 14.02.2025 once again reiterating that it would only be appropriate that the petitioner is placed under suspension. Questioning this particular order, the present writ petition has been filed.

3.The learned counsel for the petitioner stated that in the earlier order dated 20.10.2024 in W.P.No.13539 of 2024, the learned Single Judge had directed that the order of suspension or the decision taken to place the petitioner under suspension should be examined on merits and in accordance with law and therefore, it must be reviewed and it is not found that it is not required it should be revoked.

4.The learned counsel for the petitioner placed reliance on the judgment of the ***Hon'ble Supreme Court reported in AIR 2015 SCC 2389, Ajay Kumar Choudhary V. Union of India Through Its Secretary and Anr.***, wherein the Hon'ble Supreme Court had examined all the factors and had stated that placing a public servant under indefinite suspension would



not be to the benefit of employer and therefore, every three months the necessity to continue the order of suspension should be reviewed by the employer. It had also been stated that payment of subsistence allowance would only cause loss to the employer and on the other hand, a decision could be taken to revoke the suspension and place the employee in a non-sensitive post and extract work from him. It had also been stated that continuous suspension would not be to the advantage of either side.

5. The facts in this case are clear. The petitioner, claims innocence that he was only a driver to the District Manager and that he was asked to receive some amount and he received the amount and that amount turned out to be a bribe amount. The petitioner as a driver can drive the official vehicle. I do not think that, in his terms of employment, he had been given the leverage to go around receiving money from the strangers. As a public servant, he must have exercised caution and discretion. If he has an affinity to receive money from strangers, then he will have to answer to the charges namely, that he had received tainted money as bribe and it was so received after demand, for discharge of any favour to the person, who so tendered the amount. It may be the District Manager would be the person in a position to satisfy the



requirements of the tenderer of the money, but still the petitioner, as an agent, is also equally liable and answerable.

6.It is also to be noted that investigation has not yet been completed and final report has not yet been filed by the Vigilance and Anti-corruption Department, Thiruvallur District.

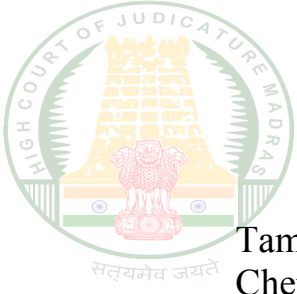
7.In view of the above observations, I am not prepared to revoke the order of suspension. The only direction, which could be given to the respondents is to re-examine the entire issue once every three months and examine the necessity to keep the petitioner under suspension. That would be a policy decision to be taken by the respondents alone. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

24.03.2025

Index:Yes/No  
Internet:Yes/No  
smv

To

1.The Senior Regional Manager,



Tamil Nadu State Marketing Corporation Ltd (TASMAC)  
Chennai – 600 002.

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

**C.V.KARTHIKEYAN,J.**

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