



WP(MD). No.21573 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**WP (MD). No.21573 of 2025 and
WMP(MD) Nos.16675 and 16676 of 2025**

S.Sivasankari

... Petitioner

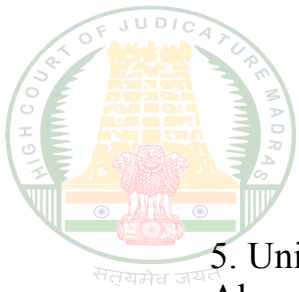
Vs

1. The Chairman,
Tamilnadu Cements Corporation Limited,
5th Floor Aaviln Illam, No.3a, Pasumpon Muthuramalingam Road,
Nandanam, Chennai 600 035..

2. The Managing Director,
Tamilnadu Cements Corporation Limited,
5th Floor Aaviln Illam, No.3a, Pasumpon Muthuramalingam Road,
Nandanam, Chennai 600 035..

3. The General Manager Marketing,
Tamilnadu Cements Corporation Limited,
5th Floor Aaviln Illam,
No.3a, Pasumpon Muthuramalingam Road,
Nandanam, Chennai 600 035..

4. The Manager Marketing,
Tamilnadu Cements Corporation Limited,
5th Floor Aaviln Illam,
No.3a, Pasumpon Muthuramalingam Road,
Nandanam,
Chennai 600 035..



WP(MD). No.21573 of 2025

5. Unit Head,,
Alangulam Cement Works,
Tamilnadu
Cements Corporation Limited,
Tamilnadu Cements P.O.
Rajapalayam Taluk,
Virudhunagar District 626 127..

... Respondents

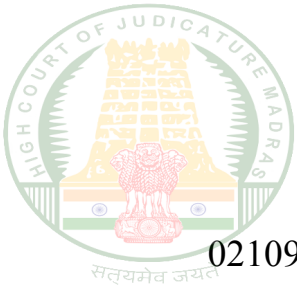
PRAYER :-Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records relating to impugned suspension order passed by the 5th respondent in his proceedings in Proc.No.02109/PL-1/2025 dated 10.07.2025 as well as consequential charge memo issued by the 5th respondent in his proceedings number TANCEM/ALGM/02109/PL-1/2025 dated 23.07.2025 and quash the same as illegal.

For Petitioner : Mr.K.P.Sankarakumarakurubaran
For Respondents : Mr.A.Sivaji for R2 to R5

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed challenging the impugned suspension order of the 5th respondent dated 10.07.2025 in Proc.No.



WP(MD). No.21573 of 2025

02109/PL-1/2025 as well as consequential charge memo issued by the 5th

respondent in his proceedings number TANCEM/
ALGM/02109/PL-1/2025 dated 23.07.2025.

3. The grievance of the petitioner is that the petitioner is employed as Marketing Assistant and she was in-charge of Kanyakumari, Madurai Districts and due to the alleged poor performance, the petitioner was placed under suspension vide impugned order dated 10.07.2025 and a charge memo has also been issued vide proceedings dated 23.07.2025. Challenging the same, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that the allegations against the petitioner is that the petitioner has not achieved the target fixed by the Superior Officer and the target depends upon the other cement companies' offers' to the consumers and that the petitioner is not able to sell the cement products to the consumers. When similar issue came up for consideration in WP No.4969/2017 before this Court, the said writ petition was allowed on the ground that poor performance and not achieving the sales target cannot be termed as a misconduct. It is

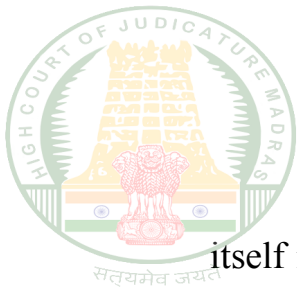


WP(MD). No.21573 of 2025

also contended that without issuing any show cause notice to the petitioner and pending charges, the petitioner was placed under suspension. Therefore, the learned counsel prays for interference.

5. However, the learned counsel for the respondents 2 to 5 would submit that not achieving the target and poor performance in achieving the sales target itself is a misconduct in terms of Section 5 of the Tamil Nadu Cement Corporation Limited Service Rules (hereinafter referred to as 'the Rules'). As per Section 5(2) - misconduct including wilful insubordination or disobedience whether alone or in combination with another or others of any lawful and reasonable order of a superior, is termed as misconduct.

6. The learned standing counsel would further contend that in the present case, the 5th respondent being the Superior Officer/head of the petitioner fixed a target to achieve sales. However, the petitioner, during the month of October and November 2024, has achieved '0' target and for December 2024 to April 2025 and in respect of Madurai Division, she achieved only 7.19% of the target and even for not achieving the target



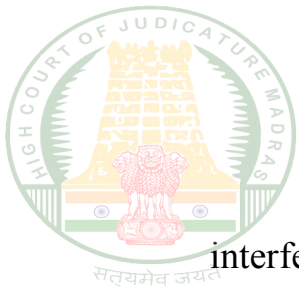
WP(MD). No.21573 of 2025

itself is a misconduct in terms of the above said Rules and in view of the misconduct, as immediate Superior Officer, she was placed under suspension pending charges and punishment will be imposed only by the competent authority as per the Service Rules in vogue. Hence, the learned counsel prays for dismissal.

7. I have considered the rival submissions and perused the materials available on record.

8. It is not in dispute that the petitioner is working as Marketing Assistant and for poor performance and in achieving the target, she was placed under suspension. It is contended that the Superior Officer is not the competent authority to place the petitioner under suspension. It is also seen though the suspension order was issued by the head of the petitioner and punishment will be imposed by the competent authority under the Rules.

9. Though the suspension order was challenged before this Court, the petitioner was placed under suspension only on 10.07.2025,



WP(MD). No.21573 of 2025

interfering with the suspension order is only a futile exercise at this point of time and it will give raise to filing one more writ petition. Since the punishment of suspension is made pending charges, this Court, without expressing any opinion on the merits of the matter and in exercise of Article 226 of the Constitution of India, directs the respondents 2 and 5 to conclude the disciplinary proceedings within a period of six months from the date of receipt of a copy of this order.

10. In view of the above, the writ petition is dismissed. However, since the aforesaid observations were made only for the disposal of the writ petition and hence, it is made clear that the orders shall be passed strictly without being influenced by any of the aforesaid observations. No costs. Consequently connected Miscellaneous Petitions are closed.

11.08.2025

NCC : Yes/No
Index : Yes/No

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WP(MD). No.21573 of 2025

M.DHANDAPANI,J

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**ORDER
IN
WP(MD) No.21573 of 2025**

Date : 11/08/2025