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W.P.No.37772 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 16.06.2026

Pronounced on : 19.06.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.37772 of 2015

N.Sakthivel

... Petitioner

vs

1.The District Collector
Villupuram District.

2.The District Manager
Villupuram Region
TASMAC Limited
Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records on the file of the 2nd respondent in his proceedings Na.Ka.No.03/01 (11754) /2015 dated 07.09.2015 and quash the same.

For Petitioner : M/s.T.Divya
for Mr.S.Selvathirumurugan

For Respondents : Mr.C.P.Goutham, Government Advocate for R1.
No appearance – R2.

ORDER



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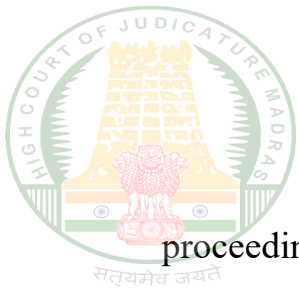
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Heard the learned counsel for the petitioner and the learned Government

Advocate appearing for the 1st respondent and perused the records.

2. Shorn of unnecessary details, the case of the petitioner is that he was provisionally selected and appointed as shop supervisor in the retail vending shop of TASMACH by the 1st respondent vide proceedings dated 19.11.2003; that he has been continuing in the said post of shop supervisor on contract basis till the issuance of the impugned proceedings; that while he was working as shop supervisor in the TASMACH at Murarabath village in shop No.11754, a communal clash had taken place at Sankarapuram on 15.08.2015; and that he was falsely arrested on 16.08.2015 in connection with two FIRs relating to the aforesaid incident; and that he was granted bail on 03.09.2015 and 04.09.2015.

3. It is the further case of the petitioner that the second respondent having regard to the two crimes registered and his arrest on 16.08.2015, placed him under suspension vide proceedings dated 24.08.2015 and thereafter issued impugned charge memo dated 07.09.2015 calling upon him to submit explanation within 7 days by appearing in person. Aggrieved by the issuance of the aforesaid



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proceedings, the present writ petition is filed.

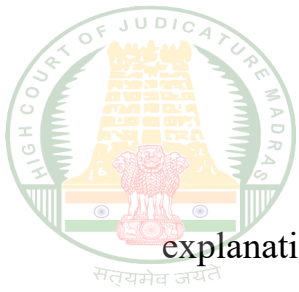
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4. No counter affidavit is filed on behalf of the respondents.

5. The learned Government Advocate appearing on behalf of the 1st respondent submitted that since, the petitioner was arrested in connection with two FIRs registered in relation to communal disturbance that had taken place on 15.08.2015 and was in judicial custody for more than 48 hours, he was placed under suspension pending enquiry, by issuing proceedings dated 24.08.2015 and thereafter the impugned charge memo was issued calling upon him to submit his explanations.

6. The learned Government Advocate further submits that the petitioner without submitting any explanation and appearing before the 2nd respondent within 7 days time granted under the impugned proceedings, had approached this Court by filing the present writ petition, after more than a month.

7. The learned Government Advocate further submitted that since by the impugned proceedings, the petitioner was only called upon to submit his



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explanation, this Court may direct the petitioner to submit his explanation for the authorities to consider the same in accordance with law.

8. There is no representation on behalf of the second respondent.

9. I have taken note of the respective contentions urged.

10. It is not in dispute, the petitioner was arrested and remanded to judicial custody and was in fact in judicial custody in connection with two crimes for a period of 17 / 18 days. It is on account of the petitioner employment with the 2nd respondent though on the contract basis, the 2nd respondent had initiated proceeding firstly by placing him under suspension for his involvement in commission of crime, pending investigation by the concerned police authorities and secondly by issuing impugned proceedings thereafter by which he was called upon to submit his explanation.

11. Though, the petitioner had approached this Court after expiry of two months from the date of issuance of impugned charge memo, it is not shown to this Court that the petitioner having submitted any explanation within 7 days as directed in the impugned notice or having sought further time for the same.



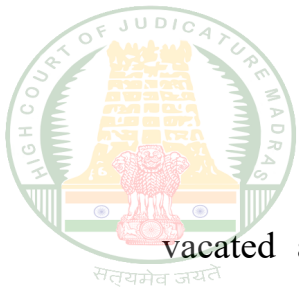
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12. Though, it is contended that this Court having granted interim stay in MP.No.2 of 2015, it is to be noted that the said MP.2 of 2015 was listed on 28.03.2019 under the caption “default cases” for non compliance of the requirements of the Registry, including the payment of batta. This Court vide order dated 28.03.2019 as last chance directed the petitioner counsel to pay batta and to comply with the other requirements of the Registry, on or before 11.04.2019 and to file proof of compliance, immediately, thereafter. This Court while passing the aforesaid order made it further clear that in the event of non-compliance of the said order on or before the specified date, the M.P. would stand dismissed, automatically, in so far as R1 and R2 are concerned, without further reference to the Court.

13. Since the petitioner failed to comply with the aforesaid order of this Court dated 28.03.2019 made in MP.No.2 of 2015, the said MP stood dismissed on 11.04.2019.

14. The effect of the dismissal of MP.No.2 of 2015 on 11.04.2019 would mean that the interim protection which was granted to the petitioner initially stood



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vacated and there was no embargo on the respondents to proceed with the impugned charge memo. However, the respondents taking note of the pendency of the writ petition did not proceed with the charge memo issued to the petitioner.

15. In view of the above and taking note of the fact that by the impugned proceedings, the petitioner was only called upon to submit his explanation, this Court is of the view that the petitioner is to be directed to submit his explanation, if not already submitted within a period of 15 days from the date of receipt of a copy of this Order. Upon the petitioner submitting his explanation to the impugned charge memo including submission of documents, if any, which he intends to rely upon, the 2nd respondent shall consider the same and pass a reasoned order in accordance with law. The 2nd respondent on passing the said order, shall serve the same on the petitioner within a period of one week thereon.

16. Subject to the above observations and directions, this writ petition is disposed of. No costs.

19.06.2026

Speaking order / Non-speaking order



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Index : Yes / No

Neutral Citation : Yes / No

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To

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Villupuram District.

2.The District Manager
Villupuram Region
TASMAC Limited
Villupuram District.



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T. VINOD KUMAR, J.

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Pre-delivery order made in
W.P.No.37772 of 2015

19.06.2026