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W.P.No.17

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 16.07.2026

Pronounced on : 24.07.2026

CORAM :

THE HONOURABLE MR. JUSTICE T. VINOD KUMAR

W.P.No.17519 of 2020

and

WMP.Nos.21699 & 21700 of 2020

E. Ashok Kumar,
S/o. Elumalai,
No.34, "B" Block, Korukkupet,
Karnesh Nagar, Chennai – 600 021.

... Petitioner

Versus

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
4th floor, CMDA building, Tower – II,
Chennai – 600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
No.735, Annasalai, LLA Building,
Chennai – 600 002.

3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
B4, Ambattur Industrial Estate,
Ambattur, Chennai – 58.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of order of the 1st Respondent bearing proceedings in Se.Mu.No.R1/00250/2018 dated 09.03.2018 confirming the orders of the 2nd Respondent in A1/362/2016 dated 30.11.2017, and the order of 3rd Respondent in A1/318/2015 dated 20.10.2017 and quash the same and consequently direct the respondents hereinto reinstate the petitioner into service with all benefits.

For Petitioner : Mr. M. Manimaran

For Respondents : Mr. K. Sathish Kumar, Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents and perused the records.

2. The case of the petitioner, in brief, is that he was appointed as a Salesman in the respondents Corporation and was working in one of its shops situated in Chennai Central District; that the third respondent, by its order dated 20.10.2017, dismissed him from service stating that he had remained unauthorisedly absent; that the order of the third respondent is a cryptic order; without mentioning as to how long the petitioner was on medical leave, the findings recorded by the Enquiry Officer in the enquiry report and



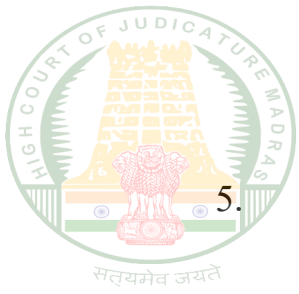
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also as to whether the petitioner was furnished a copy of the enquiry report submitted by the Enquiry Officer; and thus, the order of the disciplinary authority is vitiated on account of non-recording of the reasons for the said authority to arrive at this conclusion.

3. It is the further case of the petitioner that, aggrieved by the order of the third respondent dismissing him from service, he submitted an appeal before the second respondent; that the second respondent, without considering the facts and circumstances of the case, dismissed the appeal by order dated 30.11.2017, confirming the order passed by the third respondent, without recording any reasons; and thus, the order passed by the second respondent is *ex facie* illegal and suffers from non-application of mind.

4. The petitioner further contended that, against the order of the second respondent dismissing his appeal, he had preferred a Review Petition before the first respondent on 05.01.2018, the first respondent also dismissed the Review Petition by a single-line order dated 09.03.2018, merely stating that the records had been perused, the charges were proved and, hence, the aforesaid orders passed by the second and third respondents were confirmed; and thus, the impugned order is also *ex facie* illegal.



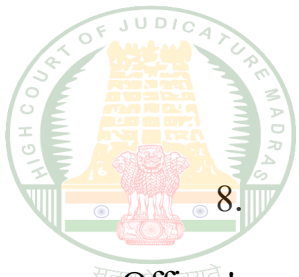
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5. No counter affidavit has been filed on behalf of the respondents.

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6. On behalf of the respondents, it is contended that, before passing the order dismissing the petitioner from service for his unauthorised absence, the third respondent had issued a notice of enquiry dated 29.05.2015; that even before issuing notice of enquiry, the petitioner was issued with a Charge Memo dated 29.01.2015; that the petitioner had submitted his explanation on 31.01.2015; and that the disciplinary authority, not being satisfied with the explanation offered by the petitioner, ordered a domestic enquiry into the charges and, appointed an Enquiry Officer, by proceedings dated 04.05.2015; and that the Enquiry Officer issued a notice of enquiry and, after conducting the enquiry, submitted his report dated 06.07.2015.

7. On behalf of the respondents, it is contended that since, Enquiry Officer in his report clearly returned findings that the petitioner did not offer valid explanation/proof for his unauthorized absence, though had claimed that his absence was on account of an accident.

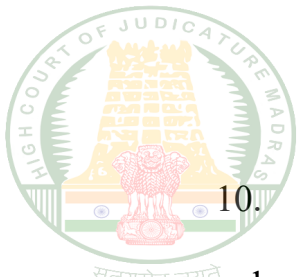


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8. On behalf of the respondents, it is also contended that, based on the Enquiry

Officer's report dated 06.07.2015, the third respondent issued a second Show Cause Notice dated 13.07.2015 to the petitioner, calling upon him to submit explanation within seven days from the date of receipt of the said Show Cause Notice as to why the penalty of dismissal from service should not be imposed on him, having regard to the gravity of the proved charges; that in response to the aforesaid Show Cause Notice, the petitioner submitted his explanation on 14.08.2015 claiming his unauthorized absence was on account of an accident; and that the third respondent, after considering the explanation submitted by the petitioner to the second Show Cause Notice, as well as the materials available on record, passed the impugned order dated 20.10.2017 dismissing the petitioner from service.

9. Respondent further contended that aggrieved by the aforesaid order, the petitioner had preferred an appeal before the second respondent; that the second respondent, by considering the material on record dismissed the appeal, vide order dated 30.11.2017; that the petitioner thereafter availed the further remedy of revision before the first respondent; and that, on the first respondent having rejecting the revision, the petitioner has approached this Court by filing the present Writ Petition.



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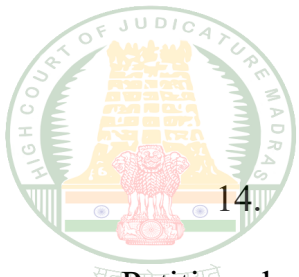
10. On behalf of the respondents, it is further contended that, since the enquiry

was conducted in accordance with the procedure and the petitioner having been afforded sufficient opportunity by the Enquiry Officer, and, thereafter, by the disciplinary authority, before passing the order of punishment of dismissal from service, the petitioner cannot now contend that the enquiry was not conducted in a fair and proper manner or that the enquiry proceedings are vitiated, so as to claim that the order passed by the third respondent dismissing him from service is illegal.

11. It is also contended that the petitioner, having availed all the statutory remedies provided to him and not being successful therein to establish that his unauthorized absence was on account of any valid ground, the order of the third respondent dismissing the petitioner from service, as affirmed by the second respondent in appeal and that the revision preferred before the first respondent being dismissed, the said orders do not call for any interference by this Court.

12. Contending as above, the respondents seek for dismissal of the Writ Petition.

13. I have taken note of the respective contentions as urged.



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14. At the outset, it is to be noted that the petitioner, along with the Writ Petition, has filed all the documents including the impugned order, which are in the vernacular language, without translating the same into English. This is on account of the exemption provided under the High Court Rules, which permit the filing of documents in the vernacular language, subject to the petitioner filing translated copies thereof if the Court so desired.

15. When the matter was listed before this Court on 07.04.2026, though there was no representation on behalf of the petitioner, this Court while adjourning the matter to 09.06.2026, directed the petitioner to file translated copies of the material documents by the next date of hearing, in the event the petitioner intends to pursue the Writ Petition.

16. However, on 09.06.2026, when the matter was listed once again, there was no representation on behalf of the petitioner, and the petitioner also did not comply with the order of this Court dated 07.04.2026 by filing the translated copies of the material papers. Thus, this Court, recording the aforesaid facts, adjourned the writ petition to 14.07.2026.

17. Even on the said date (i.e., 14.07.2026), there was no representation on behalf of the petitioner, nor did the petitioner file the translated copies of the material



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papers. Thus, this Court directed the Registry for listing of the matter on 16.07.2026, i.e., today, under the caption "For Dismissal".

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18. Today, when the matter is listed under the caption "For Dismissal", the learned counsel for the petitioner appeared in the matter and this Court pointed out to the learned counsel for the petitioner that he did not file the translated copies of the material papers despite being given sufficient time and since, the language of the Court is English, and for the said reason, this Court is not inclined to consider the documents which are in the vernacular language as filed along with the writ petition, directed the learned counsel for the petitioner to address the Court on the basis of pleadings, and the learned counsel made his submissions as noted above.

19. Though the petitioner mainly contended that his unauthorised absence for a period of more than one year was on account of he having met with an accident, this Court queried as to whether, pursuant to the alleged accident, any First Information Report (F.I.R) had been registered to substantiate the aforesaid claim made, or any document in support thereof had been produced or marked before the Enquiry Officer in the course of enquiry proceedings. Admittedly, no such document had been produced or



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marked before the Enquiry Officer to substantiate the petitioner's claim of having met with an accident, on account of which he was unable to attend to his duties.

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20. Notwithstanding with the said claim made by the petitioner, this Court also further queried as to whether the petitioner had communicated or informed to the respondent/employer of the accident he had met with due to which he is unable to attend duties, or any material has been placed before the Enquiry Officer regarding his consequent inability to attend to duty, the answer was in the negative. It is considering this evidence, the Enquiry Officer recorded his finding. Further, the disciplinary authority considering the explanation submitted by the petitioner to the Show Cause Notice issued, found the petitioner unable to justify his unauthorized absence for over a year.

21. The above being the factual position, and having regard to the decision of the Hon'ble Apex Court in the case of *Union of India v. P. Gunasekaran*, reported in *(2015) 2 SCC 610*, wherein it has been held that, in a challenge to an order passed by the disciplinary authority under Article 226 of the Constitution of India, the Writ Court cannot undertake the exercise of re-evaluation/re-appreciation of evidence by acting as a



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second Appellate Authority, this Court is of the view that the claim now being made by the petitioner cannot be accepted.

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22. The scope of interference by the Writ Court is very limited, to see as to whether the enquiry proceedings have been conducted in accordance with the procedural fairness, the enquiry was held by the competent authority, is there is any violation of the principles of natural justice, and whether the punishment awarded is disproportionate to the proved charge so as to shock the conscience of the Court.

23. In the backdrop of the aforesaid principles as laid down by the Apex Court, if the case of the petitioner is examined, it reveals that the petitioner did not place any material evidence before the Enquiry Officer to substantiate the claim of he having suffered an accident, which disabled him from attending to his duties. In the absence of any such material, the absence of the petitioner for a long period remains to be considered as 'wilful' but not an 'unavoidable absence'. The 'wilful absence' is a serious act of 'misconduct'.

24. The disciplinary authority, having regard to the enquiry report of the Enquiry Officer and the explanation submitted by the petitioner to the Show Cause



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Notice having come to the conclusion that the absence of the petitioner from duty was without any valid reason or justification, imposed the punishment of dismissal from service. This Court, in a writ petition challenging the said order, cannot replace the findings of the disciplinary authority with its own views, to hold that the order of the disciplinary authority is erroneous.

25. Further, as it has not been shown to this Court by the petitioner, by filing the relevant documents and proceedings in the language of the Court, this Court is also unable to appreciate the contentions urged on behalf of the petitioner so as to record a finding that the said proceedings are vitiated.

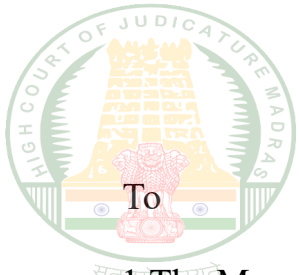
26. In view of the above, this Court is of the considered view that the present writ petition as filed is devoid of merits. Accordingly, the Writ Petition is dismissed. Consequently, connected miscellaneous petitions are also closed. There shall be no order as to costs.

24.07.2026

Speaking order / Non-speaking order

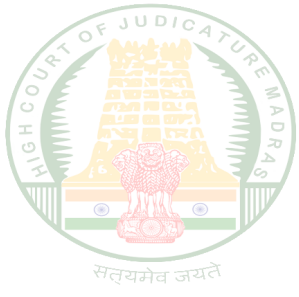
Neutral Citation : Yes / No

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T. VINOD KUMAR, J.

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Pre-delivery order made
in
W.P.No.17519 of 2020
and WMP.Nos.21699 & 21700 of 2020

24.07.2026

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