



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.47 of 2015

P.Sakthivel

.. Appellant

Vs.

The District Manager,
Tamilnadu State Marketing Corporation Ltd.
(TASMAC),
North District,
B-4, Ambattur Industrial Estate,
Chennai-600 058.

.. Respondent

This writ appeal is preferred under Clause 15 of the Letters Patent against the order of this court dated 08.04.2014 made in W.P.No.21202 of 2012.

Writ Petition praying to writ of mandamus directing the respondent to consider and pass order on the representation made by the petitioner on 18.07.2012 within a stipulated time limit.

For Appellant : Mr.J.James
for Mr.N.S.Kishore Kumar

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JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The appellant/ writ petitioner was appointed temporarily on contract basis as a Shop Salesman in January, 2004. Thereafter, he remained absent from February, 2007. After five years, the writ petitioner made a representation on 18.7.2012, seeking reinstatement on the said post. No action was taken on his representation. Being aggrieved, he came up with the instant writ petition, seeking a direction to consider his representation for reinstatement within stipulated time limit.

2. The learned Judge considering the submissions of the learned counsel appearing for the parties held that the writ



petitioner's appointment was temporarily and as such, he has no right to continue or to rejoin the post. It was further observed that the petitioner left the job without any information/ permission. In that view of the matter, the writ petition was dismissed as not maintainable. Thereagainst, the writ petitioner has come up with the instant appeal, submitting the same that the petitioner was on leave on account of medical grounds. Thus, the writ petitioner could not join the post. It is urged before us that the writ petitioner is not seeking any positive direction except seeking to consider the representation made by the petitioner to permit him to rejoin the post.

3. On consideration, we find that the appointment of the writ petitioner /appellant was purely temporary on contract basis. The writ petitioner left the job without any information or permission in February, 2007. Thereafter, he made a representation on 18.7.2012. It is well settled that the court should refrain from passing an order to consider the representation if there is no merit in the representation as some times the direction to consider the representation is taken as a positive direction to grant the relief. We have considered the representation of the writ petitioner. We do not find any merit as the writ petitioner has not acquired any right to continue or to rejoin the post as the writ petitioner was appointed temporarily on contract basis in the month of January, 2004 and the petitioner abandoned the job in February, 2007. Thus, the impugned order passed by the Writ Court is flawless, warranting no interference.

4. Resultantly, the writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk
To

The District Manager,
Tamilnadu State Marketing Corporation Ltd.
(TASMAC),
North District,
B-4, Ambattur Industrial Estate,
Chennai-600 058.

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