

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.10576 of 2015

K.Saravanan

... Petitioner

Versus

The District Manager,
North District,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
131, MSR Complex, Dayalan Street,
Kavundampalayam, Coimbatore. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct the respondent herein to reinstate the petitioner into service or to issue the termination order to the petitioner.

For Petitioner : Mr.K.Sasindran
For Respondent : Mr.S.Muthuraj
Standing Counsel for TASMAC

ORDER

The petitioner was appointed as Salesman in TASMAC. According to him, he was on medical leave due to jaundice for one month from 22.01.2010. Thereafter, he reported to duty on 22.02.2010. But he was not allowed to join duty. According to him, he made representations dated 22.02.2010, 14.06.2010, 07.03.2011, 02.09.2011 and 13.08.2012 to the respondent seeking permission to join duty. Thereafter, when he sought information under Right to Information Act, it was informed to him that he was terminated from service on 31.03.2010 due to his absence from duty from 22.01.2010 to 31.03.2010.

2. In these circumstances, the petitioner filed W.P.No.33556 of 2014 seeking for direction to reinstate him in service and the same was dismissed on 11.4.2014 with liberty to challenge the termination order in the manner known to law. The relevant portion of the order dated 11.04.2014 is as follows:-

" 4. In one of the documents filed by the learned counsel for the petitioner along with the writ petition, from the information sought for by him from the Department under the Right to Information, I find that because of his unauthorised absence for more than a month, he was permanently removed from service. He was also informed that he could get a copy of the said order from the department by paying necessary fees. Therefore, having been permanently removed from the respondent department, it is open to the petitioner to obtain the copy of the order passed against him by the respondent corporation and challenge the same in the manner known to law, if he is so advised. The writ petition for a mandamus cannot be a remedy for the petitioner. The writ petition is therefore dismissed with liberty to the petitioner to work out his remedy in the manner known to law. No costs."

3. Now again, the petitioner has filed this writ petition seeking to reinstate him in service or to issue the termination order.

4. As far as the first prayer is concerned, seeking to reinstate him in service could not be granted in view of the aforesaid order passed by this Court dated 11.04.2014. Further, the petitioner has not chosen to challenge the termination order. As far as the second prayer of the petitioner seeking to issue the termination order is concerned, in my view, the same could be granted. Accordingly, the respondent is directed to furnish the termination order to the petitioner within a period of two weeks from the date of receipt of this order.

5. The Writ Petition is disposed of accordingly. No costs.

सत्यमेव जयते
Sd/-
Assistant Registrar

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Sub Assistant Registrar

nvsri/vrc

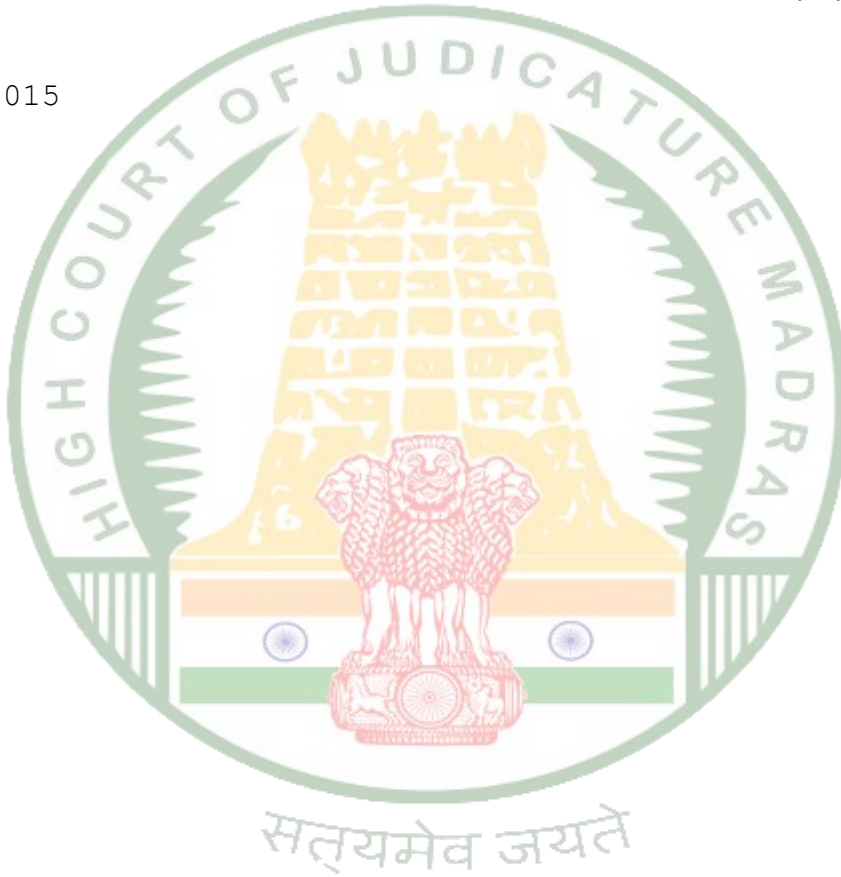
To

The District Manager,
North District,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
131, MSR Complex, Dayalan Street,
Kavundampalayam, Coimbatore.

1 cc to Mr.S.Muthuraj ,Advocate, SR.No.20319
1 cc to Mr. K.Sasindran ,Advocate, SR.No.20109

W.P.NO.10576 of 2015

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