

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-08-2015

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.23659 of 2015

1 N.Raju
S/o.D.Nachimuthu No.142 Union Tank Road
1st St Preethi Illam, Periya Naickenpalayam
SRKV PO Coimbatore - 641020 Petitioner

Vs

1 The District Manager
Tamilnadu state Marketing - Corporation Ltd
(TASMAC) Coimbatore Division Coimbatore
Tamil Nadu Respondent

Writ Petition under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to consider petitioner representation dated 15/7/2015 to retain the petitioner as supervisor by giving relaxation of educational qualification if necessary or otherwise provide him a alternative employment as salesman in the TASMAC Shop without affecting the petitioner continuity of service

For petitioner : Mr. P.R.Thiruneelakandan

For respondent : Mr. S. Muthuraj

ORDER

By consent, the main writ petition is taken up for final hearing.

2. The petitioner after completing the Diploma of Commercial Practice in the year 1995 registered with the jurisdictional Employment Exchange and he submitted a representation to the District Collector, Coimbatore to provide him employment in TASMAC shop and he in turn, forwarded the proposal to the District Collector, Coimbatore who called him for interview. The petitioner has produced the original Diploma and School Certificates and he was appointed as the Supervisor in TASMAC shop No.1634, Mettupalayam on his depositing a sum of Rs.50,000/- (Rupees Fifty thousand only) and continues to work in that capacity for nearly 12 years. Further to the shock and surprise, he was issued with a charge memo that the prescribed

qualification for the post of Supervisor is Graduate and the petitioner is only a Diploma holder and he was asked to show cause as to why the appointment order should not be cancelled. The petitioner has submitted his explanation. However, no enquiry has been conducted so far and in the interregnum, the petitioner has submitted a representation, dated 15-07-2015 for regularisation as Supervisor or to provide him with any other alternate employment and since no orders have been passed, has come forward with the present writ petition.

3. Heard the learned counsel for the petitioner and Mr. S. Muthuraj, learned Standing Counsel for the respondent accepts notice on behalf of the respondent.

4. This Court taking into consideration of the limited prayer sought for by the petitioner directs the respondent to consider and dispose of the petitioner's representation, dated 15-07-2015 in accordance with law, after providing him an opportunity of personal hearing within a period of six weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner.

5. The writ petition is disposed of, accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

glp
To

1. The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
(TASMAC), Coibatore Divishion,
Coimbatore, Tamilnadu.

+1 cc to Mr.P.R.Thiruneelakandan, Advocate, sr.40129
+1 cc to Mr.S.Muthuraj, Advocate, sr.40123

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tej(co)
kra(20/08)