

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32373/2015

A.Thangavel

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Petitioner

Versus

1.The Senior Regional Manager
Tamilnadu State Marketing Corporation Ltd
Coimbatore - 30.

2.The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
Erode.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to permit the petitioner to rejoin duty as Salesman in TASMAC shop No.3406, Bhavani Bus Stand shop, Erode District or any other TASMAC shop under the control of the respondents.

For Petitioner : Mr.M.Palaniswamy

For Respondents : Mr.S.Muthuraj

ORDER

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

2. The petitioner was selected and appointed as Supervisor in the services of the Tamilnadu State Marketing Corporation Limited [TASMAC] through a selection process and his appointment was on contract basis and was posted to Shop No.3839, at Chennanai Kannur, Elavamalai, Erode District on a consolidated pay of Rs.3000/- per month and the petitioner has also paid a security deposit of Rs.50,000/- with the employer. The petitioner, after completion of 2 years, was transferred to Bhavani Bus Stand Shop No.3406 and joined duty on 04.01.2007. The petitioner was suffering due to Acid Peptice disease and consequently, he developed pain in spinal cord and that he

cannot sit or stand for a long time and the treatment taken by him did not yield any desired result. Therefore, the petitioner applied for leave on 15.01.2007. After getting cured, he submitted a letter for rejoining along with the medical certificate indicating his fitness to join duty and though it was submitted during October 2007, no orders have been passed and the petitioner, in this regard, has submitted numerous representations to the 2nd respondent on 09.05.2008, 07.08.2008, 21.11.2008, 31.08.2009, 12.02.2010 and 26.09.2013 and since no orders have been passed, he came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that the petitioner is unemployed for the past 8 years and he is the sole breadwinner of the family and only on account of the above cited illness, he has applied for medical leave and after getting cured, he has also expressed his willingness to rejoin duty, however the respondents did not chose to pass any orders and hence, the petitioner is constrained to file this writ petition.

4. This Court heard the submissions of Mr.S.Muthuraj, learned counsel who accepts notice on behalf of the respondents.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 31.07.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते
-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1.The Senior Regional Manager

Tamilnadu State Marketing Corporation Ltd

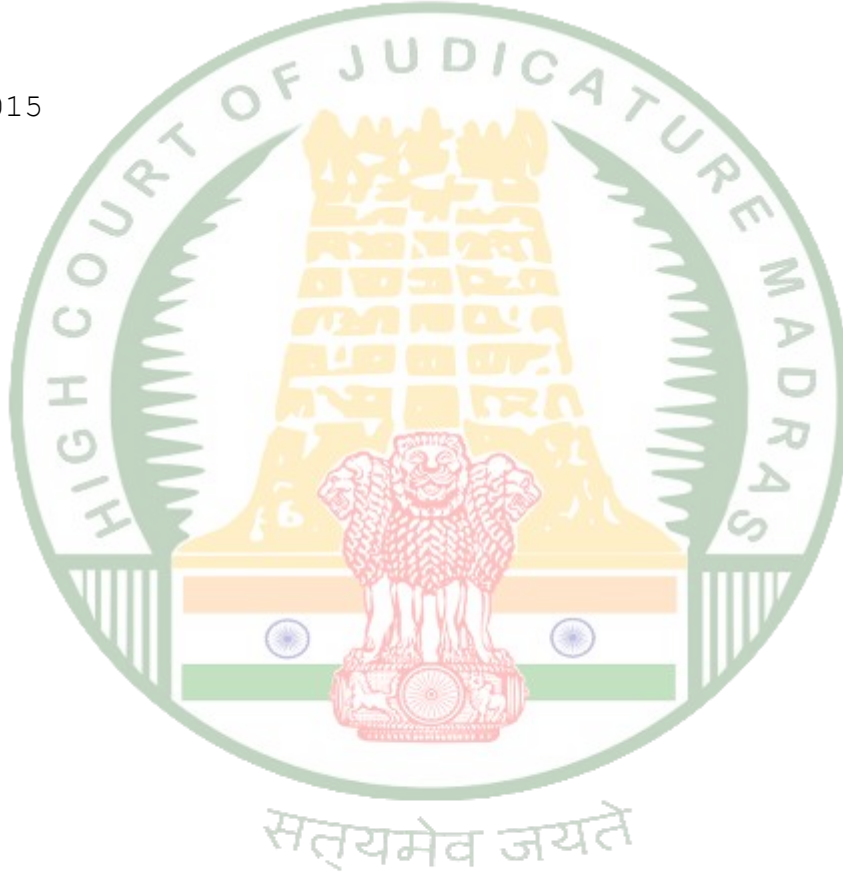
Coimbatore - 30.

2.The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
Erode.

+1 cc to Mr.M.S.Palanisamy Advocate sr.55663
+1 cc to Mr.S.Muthuraj Advocate sr.56566

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