



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.973 of 2015

Ravi

... Appellant

Vs.

The District Manager,
TASMAC,
Nagercoil,
Kanyakumari District.

... Respondent

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 07.08.2015 made in W.P.(MD)No.14080 of 2015.

Prayer in WP(MD)No.14080/2015:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to permit the petitioner to join duty as salesman in Shop No.4736, Konam, Nagercoil by considering the petitioner's representation dated 2/1/2015.

For Appellant

: Mr.T.A.Ebenezer

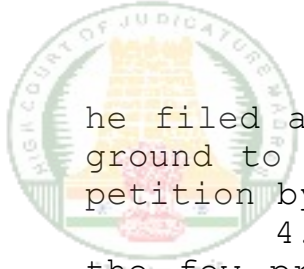
JUDGMENT

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN,J)

This appeal is filed against an order of the learned Judge dismissing the writ petition of the appellant seeking a mandamus to permit him to rejoin duty.

2.Heard Mr.T.A.Ebenezer, learned counsel for the appellant.

3.The appellant was appointed as a salesman in a retail vending shop belonging to the TASMAC. The appointment was on contract basis. He was appointed on 11.12.2003. He worked as salesman for about five years. But from 12.04.2008, he absented himself without making any formal application. He remained absent for more than six years. Thereafter, with a couple of medical certificates, he made representations for rejoining duty. Since those representations were not favourably considered,



he filed a writ petition in W.P(MD)No.14080 of 2015. Finding no ground to grant the relief, the learned Judge dismissed the writ petition by an order dated 07.08.2015. Hence, the present appeal.

4.The appellant has filed a few medical certificates and the few prescriptions. The medical certificate merely indicates that the appellant was suffering from joint pain, muscular pain and spondylitis. These ailments cannot be the basis for unauthorised absence for more than six years.

5.Moreover, the medical certificates have been issued by a Doctor who appears to be a practitioner of indigent medicine. It is not from an authorised medical officer working in the Government. Therefore, we are of the considered view that the nature of the ailments as well as the type of medical certificates produced by the appellant did not entitle him to grant the relief prayed for and the learned Judge was right in dismissing the writ petition. Hence, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

The District Manager,
TASMAC,
Nagercoil,
Kanyakumari District.

+One cc to Mr.T.A.Ebenezer, Advocate, SR.No.64803

sms

RL/3c/NGM/SS/23/11/2015

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