

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.22656 of 2016

T.Mahesh Kumar

... Petitioner

Vs.

1. The District Manager - I,
Coimbatore District (North)
Tamil Nadu Marketing Corporation Ltd (TASMAC)
Coimbatore.

2. The Senior Regional Manager,
Tamil Nadu Marketing Corporation Ltd (TASMAC)
Coimbatore,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the second respondent to dispose of the appeal filed by the petitioner dated 13.07.2015 within stipulated time fixed by this Court.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.Kasirajan,
Senior Counsel

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner has filed this writ petition for a Mandamus, directing the second respondent to dispose of the appeal filed by the petitioner dated 13.07.2015 within stipulated time fixed by this Court.

3. The case of the petitioner is that in the month of November, 2003, he was appointed as Salesman in the TASMAC shop on temporary basis and was directed to take charge at Shop No.1526, Coimbatore and was subsequently transferred to the Shop No.1574, Coimbatore. While so, he was suffering from Jaundice

and he has taken medical treatment from 20.11.2013 to 02.04.2014 and he reported to duty on 03.04.2014. However, he was not allowed to join duty and was directed to get permission from the first respondent. Thereafter, he was issued with a notice dated 28.05.2015 for absent from duty, for which, he sent his reply enclosing medical certificate. However, the first respondent denied employment and terminated the petitioner from service for the alleged unauthorised absent and forfeited the deposited amount. Aggrieved over the order of the first respondent, the petitioner filed an appeal dated 13.07.2015 before the second respondent. Since the said appeal is yet to be disposed of, the petitioner has come up with the present writ petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel who took notice for the respondents.

5. Considering the limited prayer sought for herein, this Court, without going into the merits of the claim made by the petitioner, directs the second respondent to consider the petitioner's appeal dated 13.07.2015 by affording an opportunity of personal hearing to the petitioner and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The District Manager - I,
Coimbatore District (North)
Tamil Nadu Marketing Corporation Ltd (TASMAC)
Coimbatore.
2. The Senior Regional Manager,
Tamil Nadu Marketing Corporation Ltd (TASMAC)
Coimbatore, Coimbatore District.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.36726
+1cc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.37017

W.P.No.22656 of 2016

CTK(CO)
CA(23/07/2016)