

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.26284 of 2016

S.Duraimurugan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
Gandhi Irwin Bridge Road,
C.M.D.A. Tower-II, 4th Floor,
Egmore, Chennai-600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
Central Chennai,
No.735, M.L.A. Building, 3rd Floor,
Anna Salai, Chennai-600 002.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
Central Chennai,
Ambattur Estate, Chennai-58.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 3rd respondent to consider the representation of the petitioner dated 08.12.2015 and to post him in any other vacant as shop salesman in Chennai District in TASMAC.

For Petitioner : Mr.C.Mariappan

For respondents : Mr.C.Kasirajan (For TASMAC)

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 3rd respondent to consider the representation of the petitioner dated 08.12.2015 and to post him in any other vacant as shop salesman in Chennai District in TASMAC.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner that he was appointed as a shop salesman in the respondent's office i.e, Tamil Nadu State Marketing Corporation Limited (TASMAC) at Chennai District on 24.01.2004 by the order of the 3rd respondent in the proceedings in Proc No.D.M.(C).4/2004. Initially he was posted as Shop Salesman in Shop No.898 at Whites Road, Chennai. Subsequently, he was transferred and posted to Ayanavaram. While he was working in the shop No.392 at Konnur High Road, Ayanavaram, Chennai on 01.02.2010, he was unable to perform duty due to suffocation. He rushed immediately to intimate his higher official and sent representation to his shop supervisor, who advised him to go to hospital and take treatment. Thereafter, he went to hospital. The Doctor checked and advised to take treatment as in-patient and accordingly, the petitioner took treatment as in-patient at Ethiraj Clinic, Chennai, from 01.02.2010 to 30.04.2010 (For three months). On discharge from hospital, he went to the Shop No.392 and found the shop was closed. When he contacted the Supervisor, he was informed that the said shop was closed and all the staff were posted at other various shops. Thereafter, the petitioner made a representation to the 3rd respondent on 08.05.2010 along with medical certificate, seeking to permit him to join duty. But, there was no response to the petitioner's representation. In the meantime, the petitioner gain suffered from nervous problem and he was under treatment in Sidha Government Hospital at Anna Nagar, Chennai from 01.02.2010 to 31.12.2012. Thereafter, on recovery from his illness, he approached the 1st respondent seeking of reinstatement. He made several representations to the respondents and lastly he made the representation on 08.12.2015 for reinstatement. The petitioner's representation was not considered. Hence, the petitioner has come forward with the present writ petition.

3. Heard both sides and perused the materials available on record.

4.It is seen that the petitioner is absent from duty for more than six years. Further, there is no cogent and convincing reasons from the petitioner for his absence from duty. The petitioner has filed the writ petition without any substantive proof. There is no merit in the writ petition and the petitioner is not entitled to the relief sought for in this writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The Managing Director,
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Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
Central Chennai,
Ambattur Estate, Chennai-58.

+1cc to M/S.C.Kasi Rajan, Advocate Sr.53191
+1cc to M/S.C.Mariappan, Advocate SR.53302

W.P.No.26284 of 2016

cp[co]
srg 10/12/2016