

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.19609 of 2013

D. Srinivasan

.. Petitioner

Versus

1.The District Manager
Tamilnadu State Marketing
Corporation Ltd, (TASMAC)
Coimbatore Division, Coimbatore
Tamil Nadu.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 2nd respondent Na.Ka.No.560/2012/A1 dated 05.09.2012, confirming the order of termination passed by the 1st respondent in Na.Ka.No.1151/07 R.V.1, dated 26.12.2007, and quash the same and consequently direct the respondents to reinstate the petitioner in his service as a Supervisor in the "TASMAC" shop with continuity of service, Back wages and all other attendant benefits.

For Petitioner : Mr.P.R.Thiruneelakandan

For R1 : Mr. B. Nedunchezhiyan
Standing Counsel-TASMAC

O R D E R

This writ petition is filed seeking for Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 2nd respondent in Na.Ka.No.560/2012/A1 dated 05.09.2012, confirming the order of termination passed by the 1st respondent in Na.Ka.No.1151/07 R.V.1, dated 26.12.2007

and quash the same and consequently direct the respondents to reinstate the petitioner with continuity of service, Back wages and all other attendant benefits.

2. The petitioner, who was appointed as Supervisor in the TASMAC shop at Vadamadurai, Coimbatore was terminated on 26.12.2007 for unauthorized absence. The said termination order was passed based on an enquiry conducted by the first respondent, where the petitioner was set ex-parte. Aggrieved against the said termination order, the petitioner has filed an appeal before the second respondent. The second respondent, while rejecting the said appeal on 05.09.2012, confirmed the termination order passed by the first respondent observing that the petitioner has not produced the required medical certificates before the first respondent establishing his reasons for the absence. Aggrieved upon the same, the petitioner is before this Court with this writ petition.

3. Heard Mr.P.R.Thiruneelakandan, learned counsel on behalf of the petitioner and Mr.B.Nedunchezhiyan, learned standing counsel on behalf of the first respondent.

4. According to the learned counsel for the petitioner is that the petitioner was in possession of medical certificates pertaining to his leave period and he had made several representations to the first respondent in this regard between 12.12.2006 and 17.05.2012 and the copies of such representations and the medical certificates were produced before this Court.

5. Nevertheless, it would not be appropriate to set aside the impugned order and a direction to the first respondent to reinstate the petitioner, since the petitioner has failed to produce the medical certificates to the first respondent during the time of enquiry. In such circumstances, to meet the ends of justice, the petitioner has to be given an opportunity to make a fresh appeal along with the copies of the representations and the medical certificates before the second respondent. On receipt of such appeal, the second respondent shall consider the same and pass orders on his own merit in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

6. With the above observation, this Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rm

To

1.The District Manager
Tamilnadu State Marketing
Corporation Ltd, (TASMAC)
Coimbatore Division, Coimbatore
Tamil Nadu.

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

+lcc to Mr.B.Nedunchezhiyan, Advocate Sr.68373

+lcc to Mr.P.R.Thiruneelakandan, Advocate Sr.68418

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msm[co]
srg 20/12/2016



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