

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.5072 of 2016

R.Sivakumar

.. Petitioner

Vs.

1.The Managing Director,  
Tamil Nadu State Marketing  
Corporation Ltd. [TASMAC],  
Thalamuthu Natarajan Maaligam,  
4<sup>th</sup> Floor, C.M.D.A.Building,  
Egmore, Chennai - 600 008.

2.The Senior Regional Manager,  
Chennai Region,  
Tamil Nadu State Marketing  
Corporation Ltd., [TASMAC],  
No.735, L.L.A. Building,  
Annasalai, Chennai - 600 002.

3.The District Manager [Central],  
Tamil Nadu State Marketing  
Corporation Ltd., [TASMAC],  
No.B4, Ambattur Industrial Estate,  
Ambattur, Chennai - 600 058.

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to dispose of the petitioner's statutory appeal dated 05.02.2016 which is pending on the file of the second respondent within a stipulated period of time and in accordance with law.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.A.Kumar

Special Government Pleader

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, directing the second respondent to dispose of the petitioner's statutory appeal dated 05.02.2016.

2.The petitioner joined service as Salesman in the TASMAC Shop in the year 2003. Based on certain allegations, he was suspended from service vide order dated 24.07.2013 and on the very same day, issued with a show cause notice and accordingly, he submitted his reply denying the charges. Thereafter, the petitioner filed Writ Petition before this Court in W.P.No.34865 of 2014, which was disposed of on 10.02.2015, directing the respondent to pay subsistence allowance and its arrears to the petitioner within a period of one month. Subsequently, on 14.09.2015, the respondent paid part of the subsistence allowance to the petitioner. On 19.09.2015, the respondent issued with a termination order to the petitioner. As against the said order, the petitioner made an appeal on 05.02.2016 to the second respondent but till date no orders have been passed and hence, the Writ Petition has been filed.

3.Mr.A.Rajesh Kanna, learned counsel for the petitioner would submit that the petitioner would be satisfied, if his appeal is directed to be considered and appropriate orders are passed as expeditiously as possible.

4.Mr.A.Kumar, learned Special Government Pleader for the respondents has got no serious objection for directing the second respondent, who is the appropriate authority to consider the appeal of the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the second respondent, to consider the appeal of the petitioner, dated 05.02.2016 and pass appropriate orders, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sri

To

1.The Managing Director,  
Tamil Nadu State Marketing  
Corporation Ltd. [TASMAC],  
Thalamuthu Natarajan Maaligam,  
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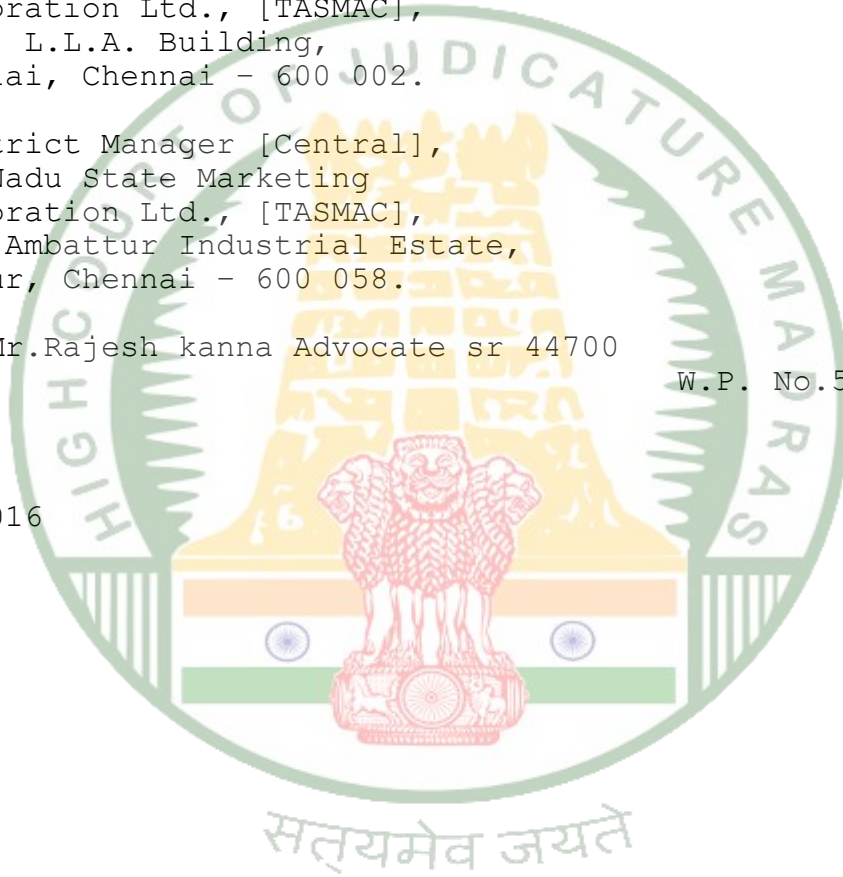
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+1 cc to Mr.Rajesh kanna Advocate sr 44700

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