

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.02.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.4455 of 2017

B. Vijayan

..Petitioner

Vs.

The Principal Secretary to Government,
Prohibition & Excise Department,
Fort St. George,
Chennai - 9.

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondent to pass orders on the appeal submitted by the petitioner dated 28.09.2016 within a reasonable time.

For Petitioner :: Mr.M.Muthappan

For Respondent :: Mr.P. Senthivel,
Govt. Advocate

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. Mr.P. Senthivel, learned Government Advocate accepts notice on behalf of the respondent.

3. The petitioner was appointed as Supervisor (Computer Operator) in the service of Tamil Nadu State Marketing Corporation Limited (TASMAC), Konam, Nagercoil and he joined the said post on 04.02.2004. Thereafter, he was deputed to the office of the District Manager, TASMAC, Konam, Nagercoil, on 10.09.2004. The petitioner submitted an application to the Managing Director, TASMAC, Chennai, for the post of District Manager (contract basis) through proper channel on 09.06.2004. On the basis of his application, according to the petitioner, he was considered for the post and was selected and appointed as District Manager by proceedings of the Managing Director dated 18.10.2004. The petitioner underwent training and he was awaiting posting orders. However, excepting the petitioner, all the selected candidates were given posting orders and later on, he came to understand that on the basis of Police Report, he was not given posting orders. In this regard, the petitioner, once again, approached the Managing Director, TASMAC and enquired about his posting order and he was informed that the District

Manager, Nagercoil had made complaints against him and hence, he was not given posting. Subsequently, the petitioner was suspended and terminated from service on 01.02.2006 and thereafter, reinstated in service and posted to serve as Supervisor with effect from 31.01.2009. After reinstatement, the petitioner submitted a representation through proper channel on 23.12.2011 for posting him as District Manager, followed by reminders dated 04.01.2012, 18.04.2012 and 09.08.2012. The General Manager, TASMAC, rejected the representation of the petitioner by order dated 26.02.2015. As there was no response from the Managing Director, TASMAC, the petitioner preferred an appeal to the Commissioner of Prohibition & Excise dated 16.11.2015. Since the same was not favoured with any response, the petitioner filed W.P. No. 39196/2015 before this Court and there was a direction on 14.12.2016 to dispose of the petitioner's appeal dated 16.11.2015 within a period of six weeks. In compliance of the order passed by this Court, the Commissioner of Prohibition & Excise, Chepauk, Chennai -5, by proceedings dated 14.06.2016, rejected the claim of the petitioner, aggrieved by which, the petitioner preferred an appeal to the respondent herein on 28.09.2016. Though more than six months have elapsed, the said appeal has not been disposed of and therefore, the petitioner came forward to file the present writ petition.

4. Heard Mr.M. Muthappan, learned counsel for the petitioner and Mr.P. Senthilvel, learned Government Advocate for the respondent.

5. This Court, taking into consideration, the limited scope of the prayer sought, without going into the merits of the claim projected by the petitioner, directs the respondent to consider the petitioner's appeal dated 28.09.2016 as well as reminders dated 30.11.2016 and 20.01.2017 and pass orders on the same, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nv

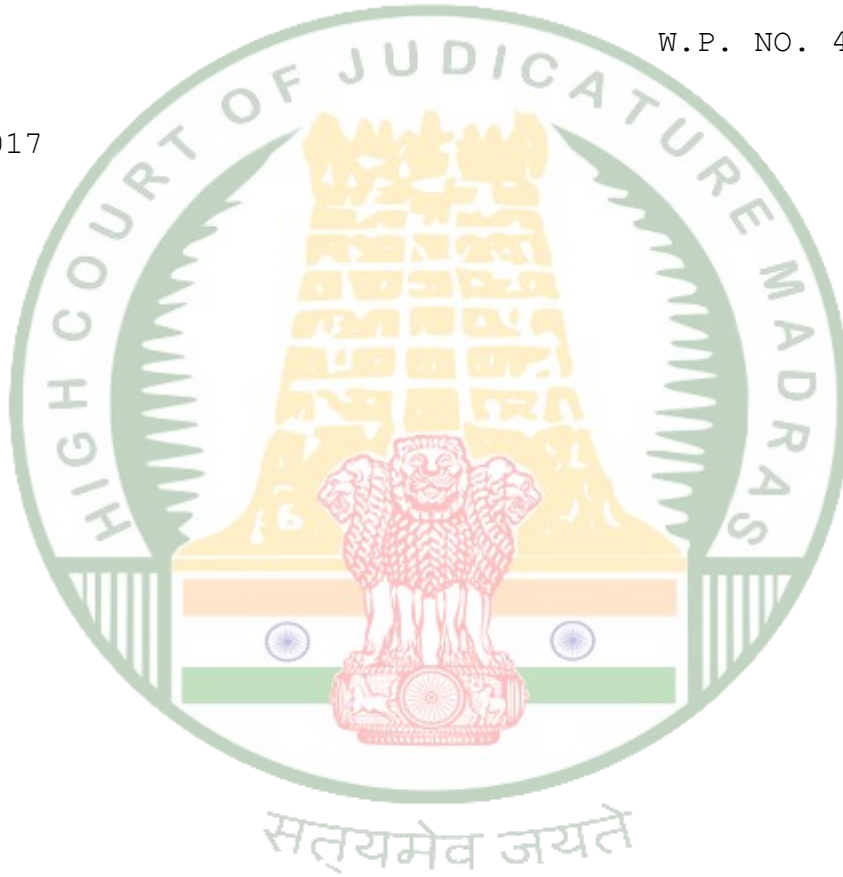
To

The Principal Secretary to Government,
Prohibition & Excise Department,
Fort St. George,
Chennai - 9.

+1 cc to Mr.M.Muthappan Advocate sr 12041
+1 cc to the Government Pleader sr 12128

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