

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-10-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21145 of 2014

And

M.P.No.1 of 2014

P.Kamaraj

Petitioner

-vs-

1.The Managing Director,
TASMAC Limited,
Chennai.

2.The Senior Regional Manager,
O/o.The Senior Regional Manager,
TASMAC Limited,
Coimbatore.

3.The District Manager-II,
O/o.The District Manager,
TASMAC Limited,
Tiruppur.

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Manadmus, calling for the records pertaining to the impugned order in Na.Ka.No.2/2004 dated 21.1.2004 pending on the file of the third respondent and subsequently confirmed by the second respondent in Pa.Mu.2412/2008/A1 dated 17.9.2008 and quash the same and direct the respondents to reinstate the petitioner in service with back wages, continuity of service and all other attended benefits.

For Petitioner - Mr.R.Amardeep for
M/s.Tamizh Law Firm.

For Respondents- Mr.K.Sathishkumar

ORDER

The order of termination dated 21.1.2004 issued by the third respondent as well as the appellate order issued by the second respondent in proceedings dated 17.9.2008, are under challenge in this writ petition.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner was appointed as Supervisor by the District Manager in the TASMAR Retail Shop on 3.12.2003. The writ petitioner was continued as a Supervisor in TASMAR Retail Shop and continued in service.

3. On account of a surprise inspection, certain allegations with regard to mixing of water with the liquor was found and subsequently, the disciplinary proceedings were initiated against the writ petitioner.

4. The learned counsel appearing for the writ petitioner made a submission that without conducting any enquiry and without providing any opportunity to the writ petitioner, the order of termination was issued. However, an explanation from the writ petitioner was obtained.

5. The learned counsel appearing for the respondents made a submission that though the order of termination was passed on 21.1.2004, the writ petitioner preferred an appeal to the appellate authority and the order passed by the original authority was confirmed in proceedings dated 17.9.2008. However, the writ petition was filed after a lapse of about six years on 5.8.2014. Further, it is stated that the appeal itself was filed by the writ petitioner on 17.5.2008, after a lapse of four years from the issuance of the termination order.

6. At the outset, there is a huge delay on the part of the writ petitioner both in preferring the appeal before the competent authority as well as the filing of this writ petition before this Court.

7. The attitude of the writ petitioner in not filing the appeal in time shows that he was not interested in pursuing the case in accordance with law. Further, there is a long delay of about eight years in filing the writ petition and also challenging the order of termination as well as the appellate order.

8. The facts to be considered are that the order of appointment was issued on 3.12.2003. The writ petitioner served in the TASMAR Retail Shop for about 1-1/2 months. Even within

that 1-1/2 months of service rendered by the writ petitioner, an allegation was mooted out against the writ petitioner with regard to the irregularities committed in the TASMAC Retail Shop. The writ petitioner was terminated from service on 21.1.2004. He preferred an appeal on 17.5.2008 and the appeal was rejected on 17.9.2008.

9. Thus, the continuous employment of the writ petitioner is 1-1/2 months and he was terminated in the year 2004. He preferred appeal after a lapse of four years in 2008 and he filed the present writ petition after a lapse of eight years from the date of the appellate order.

10. Thus, the Court is not inclined to consider the case of the writ petitioner on merits and therefore, no further adjudication is required to be undertaken in this writ petition.

11. Accordingly, the writ petition stands dismissed on the ground of laches. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

Svn

To

1.The Managing Director,
TASMAC Limited,
Chennai.

2.The Senior Regional Manager,
O/o.The Senior Regional Manager,
TASMAC Limited,
Coimbatore.

3.The District Manager-II,
O/o.The District Manager,
TASMAC Limited,
Tiruppur.

+1cc to Mr.K.Sathishkumar, Advocate in sr.no.74673

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NR 08/11/2017