

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.07.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.14723 of 2017
and
W.P.M.P.No.15957 of 2017

M.Abraham Livingstone

..Petitioner

Vs

1. The Managing Director
Tamil Nadu State Marketing Corporation Ltd.,
No.4, Thalamuthu Buildings
IV Floor, Gandhi Irvin Road
Egmore, Chennai - 600 008.
- 2.The Senior Regional Manager
L L A Buildings, 4th Floor
Anna Salai
Chennai - 600 002
- 3.The District Manager
TASMAC Ltd., Chennai North
B-4, Ambattur Industrial Estate
Ambattur, Chennai - 600 058
- 4.The General Manager (TEXCO)
TN Ex Service Man Corporation
No.2, West Madaveethi Street
Srinagar Colony
Saidapet
Chennai - 15
- 5.Mr.Pio Thangadurai
District Manager
TASMAC Ltd., Chennai North
B-4, Ambattur Industrial Estate
Ambattur
Chennai - 600 058

.. Respondents

(5th Respondent is impleaded as per the order of this Court dated 04.07.2017)

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 3rd respondent passed in his proceeding K.Mu.B.No.A1.258/2017 dated 4-4-2017 signed on 4-5-2017 and quash the same with the direction to permit the petitioner to continue as Assistant in the 3rd respondent office till 5-6-2019 with all service benefits.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents : Mr.B.Nedunchezian

ORDER

The writ petition is filed challenging the order of relieving the writ petitioner from the post of Junior Assistant in proceedings dated 04.05.2017.

2. The learned counsel appearing for the writ petitioner contended that the writ petitioner had not been offered with any opportunity to submit his explanation nor any show-cause notice was issued. Hence, the impugned order of relieving was issued without following the process of natural justice. On this short ground, the impugned order deserves to be set aside.

3. On perusal of the impugned order, this Court is able to find that there is no reference with regard to the issuance of any show-cause notice or providing of opportunity to the petitioner in this regard.

4. The learned counsel appearing for the respondents is also unable to dispute the fact that an opportunity was provided to the writ petitioner before issuing the impugned order of relieving.

5. Such being the fact of the case, this Court is inclined to consider this writ petition. Accordingly, the impugned order passed by the third respondent in proceedings dated 04.05.2017 is quashed. However, it is left open for the third respondent to initiate appropriate action, if necessary, by providing

reasonable opportunity contemplated under the rules and thereafter pass orders in accordance with law. With this liberty, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gpa

To

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Chennai - 600 058

+1 cc to Mr.B.Nedunchezhiyan Advocate sr 46675
+1 cc to Mr.P.Ebenezer Paul Advocate sr 46421

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and
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