

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.20838 of 2016

R.Kamalakaran

.. Petitioner

Vs.

The Managing Director,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
4th Floor, CMDA Tower,
Gandhi Irwin Salai, Egmore, Chennai.

.. Respondent

Writ Petition filed under Article 226 constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's revision dated Nil, sent through registered post on 01.04.2016 and pass orders in accordance with law, within stipulated time.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.M.Johnkennady

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondent to consider the petitioner's revision dated 'Nil' which was sent through registered post on 01.04.2016 and pass orders in accordance with law, within a time stipulated by this Court.

2. The case of the petitioner is that he was appointed as a Salesman in respondent TASMAC during the year 2003. While he was working as a Salesman in TASMAC Shop No.1725, he has absented himself from duty for about 3 months from 02.01.2005 due to illness. After recovery, though he approached the respondent officials, he was not provided with duty as a Salesman. Thereafter, without considering the representation of the petitioner dated 18.01.2008, an Enquiry Notice dated 06.11.2007 was served on him directing him to appear for enquiry before the respondent on 04.12.2007. Accordingly, the petitioner appeared before the Enquiry Officer and also

submitted his explanation for his absence for 3 months on 11.12.2007. Without considering the same, the respondent terminated his service vide order dated 11.12.2007. The petitioner preferred an appeal against the said order before the Senior Regional Manager and the same was also dismissed by order dated 28.11.2008. As per the orders of the appeal, he preferred a revision before the Managing Director, TASMAL on 01.04.2016. Since the same has not been considered, the petitioner is before this Court with this Writ Petition.

3. Heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the respondent TASMAL.

4. At the outset, the facts that by order dated 11.12.2007, the petitioner was terminated from the service of the respondent Corporation for his unauthorised absence for 3 months from 02.01.2005 and the appeal preferred against the said order was dismissed by order dated 28.11.2008 are not in dispute. In that dismissal order, it has been stated that the petitioner is at liberty to file a revision before the Managing Director, TASMAL, the respondent herein, within a period of 3 months from the date of receipt of that order. But, without doing so, after a lapse of 8 long years, the petitioner has preferred a revision before the respondent only on 01.04.2016. But the same has not been considered is the grievance of the petitioner herein.

5. In my considered opinion, the revision preferred by the petitioner is a time barred one since the huge delay of 8 long years has not been properly explained by him. Under such circumstances, the petitioner is guilty of laches and delay and the Writ Petition filed by him is a highly misconceived one which is not at all maintainable by this Court.

6. In the result, the Writ Petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
4th Floor, CMDA Tower,
Gandhi Irwin Salai, Egmore, Chennai.

+1cc to Mr.M.John Kennedy, Advocate sr.71574

W.P.No.20838 of 2016

mn(co)
ss(26/10/2017)



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