

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8395 of 2015
and
M.P.Nos.1 and 2 of 2015

R.Naresh Babu

... Petitioner

Vs.

District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
REGENT House,
Wood Cock Road,
The Nilgiris-643 001.

... Respondent

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records from the respondent in Ref.No.Na.Ka.C.No.0129/2012 dated 24.11.2012 and quash the same as illegal, arbitrary, without jurisdiction and consequently direct the respondent to reinstate the petitioner back in service with back wages, continuity of service and all other monetary and other benefits.

For Petitioner : Mr.V.Stalin

For Respondent : Mr.B.Nedunchezhan

सत्यमेव जयते
O R D E R

The writ petition is filed challenging the order of relieving the writ petitioner from the post of Salesman in proceedings dated 24.11.2012.

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 respondent 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 respondent in proceedings dated 24.11.2012 is quashed. However, it is left open for the 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 petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

The District Manager,
Tamil Nadu State Marketing Corporation(TASMAC),
REGENT House,
Wood Cock Road,
The Nilgiris-643 001.

+1cc to Mr.V.Stalin, Advocate, S.R.No.56699

सत्यमेव जयते

W.P.No.8395 of 2015

EV(CO)
CA(23/08/2017)

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