

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.25785 of 2013

T.Sankar

..Petitioner

Vs.

The District Manager - II,
(Retail Selling)
TASMAC Ltd.,
Angaripalayam, Tiruppur District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation for reinstatement, dated 02.07.2013, within a time frame.

For Petitioner : Ms.C.Keerthiga
for M/s.M.Subha
For Respondent : Mr.C.Kasirajan

O R D E R

The petitioner has filed this writ petition, praying for issuance of a Writ of Mandamus, directing the respondent to consider his representation, dated 02.07.2013, seeking for reinstatement in service, within the time stipulated by this Court.

2. The case of the petitioner, as stated in the affidavit, filed in support of this Writ Petition, in short, is that, he was appointed as Bar Attender in the TASMAC Shop by the respondent, by order dated 17.02.2004. As directed by the respondent, he paid the security deposit amount and he was discharging his duty without any blemish. Suddenly, he was affected by jaundice, due to which, he was not able to attend duty from 01.02.2007 till 01.02.2008. He informed the same through a co-employee to the respondent, and requested to treat his absence as leave. Soon after his recovery, he approached the respondent along with medical certificate, seeking permission to continue his job, but, the respondent insisted for production of fitness certificate for joining duty. The petitioner produced the same from his doctor.

3. The grievance expressed by the petitioner is that, though he produced the fitness certificate, and also met the respondent several times along with his representation to reinstate in service, the respondent, for the reasons best known to him, has not taken any action to reinstate the petitioner in service. Hence, the petitioner has come forward to file this Writ Petition. The learned counsel for the petitioner would submit that the petitioner would be satisfied, if the representation made by him on 02.07.2013, is directed to be considered on merits by the respondent.

4. Learned counsel for the respondent would submit that there is no material to show that the petitioner's representation is pending before the respondent and that if it is so, the same would be considered on merits and in accordance with law.

5. Considering the facts and circumstances of the case, to meet the ends of justice, this Court is inclined to direct the respondent to consider the petitioner's representation, dated 02.07.2013, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The petitioner shall also submit a copy of the representation dated 02.07.2013 along with this order copy to the respondent.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

avr
To

The District Manager - II,
(Retail Selling)
TASMAC Ltd.,
Angaripalayam, Tiruppur District.

+lcc to Mr.C.Kasirajan, Advocate Sr.5888

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srg 27/03/2017