

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.29842 of 2013

and

M.P.No.1 of 2013

P.Chandrasekar

.. Petitioner

Vs

1.The District Manager,
O/o. District Manager,
TASMAC,
Coimbatore,
Coimbatore District.

2.The Senior Regional Manager,
O/o.The Senior Regional Manager,
Tamilnadu State Marketing Corporation Ltd.,
Coimbatore. .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.85/2012/al dated 16.08.2013, pending on the file of the 2nd respondent and Quash the same and consequently directing the respondents to provide re-employment to the petitioner as Salesman in their Corporation.

For Petitioner : Mr.R.Amardeep

For Respondents : Mr.K.Sathish Kumar

सत्यमेव जयते
O R D E R

The relief sought for in this Writ Petition is to call for the records in pursuant to the order passed by the second respondent in proceeding dated 16.08.2013, terminating the service of the writ petitioner.

2.The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was recruited as Salesman in the second respondent Corporation and he was working for about 3 years. However, without any show cause notice or conducting the enquiry, the writ petitioner was directly terminated through the impugned order passed by the second respondent in proceedings dated 16.08.2013.

3.The learned counsel appearing for the writ petitioner contended that the principles of natural justice had not been followed in the case of the writ petitioner and the petitioner was directly terminated. This apart, the Appellate Authority issued an impugned order of termination and thereby, the petitioner was deprived of exercising his right of appeal. In other words, the Appointing Authority has not issued the impugned order of termination and accordingly, the order suffers from want of jurisdiction.

4.The learned counsel appearing for the respondents is unable to dispute the fact that any notice or opportunity was provided to the writ petitioner before issuing an order of termination. Further, there is no reference in this regard even in the impugned order. This apart, as rightly contended by the learned counsel appearing for the writ petitioner, the impugned order has been issued by the Appellate Authority and the writ petitioner was deprived of his right of Appeal to the Appellate Authority.

5. At the out set, it has to be stated that the order impugned is passed in violation of principles of natural justice and accordingly, this Court is of the opinion that the contentions raised by the learned counsel for the writ petitioner deserves merit consideration. Accordingly, the impugned order passed by the second respondent in proceedings Na.Ka.No.85/2012/al, dated 16.08.2013 is quashed and the matter is remitted back to the respondents for reconsideration and the respondents are directed to provide all reasonable opportunities contemplated to the writ petitioner and thereafter take a final decision in respect of the allegations against the writ petitioner and pass orders on merits and in accordance with law.

6. Accordingly, this writ petition stands allowed. However, there shall be no order as to costs. Consequently connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

stm

To

1.The District Manager,
O/o.District Manager,
TASMAC,
Coimbatore, Coimbatore District.

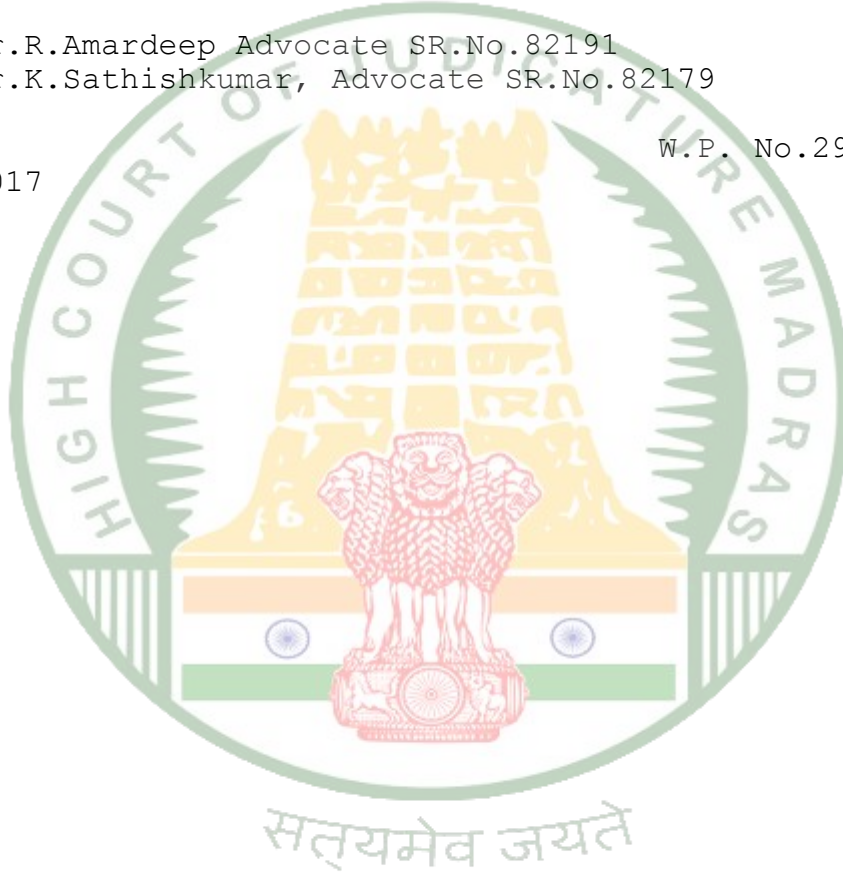
2.The Senior Regional Manager,
O/o. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Coimbatore.

+1cc to Mr.R.Amardeep Advocate SR.No.82191

+1cc to Mr.K.Sathishkumar, Advocate SR.No.82179

W.P. No.29842 of 2013

sm:8.12.2017



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