

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.9300 of 2016
and W.M.P.No.8292 of 2016

S.Haridoss

... Petitioner

Vs.

1.The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
rep by its Managing Director,
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.

2.The District Manager,
Chennai South Region,
The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Ambattur, Chennai - 600 058.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to re-employ the petitioner in the said Tamil Nadu State Marketing Corporation Limited TASMAC as shop salesman in anyone of the shop in Chennai South with full backwages and continuity of service.

For Petitioner : Mr.D.Dhayalan

For Respondents: Mr.B.Nedunchezian

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner was appointed as Shop Salesman in Shop No.694, No.45, Alanthur Road, Saidapet, Chennai - 15, vide proceedings of the 2nd respondent dated 29.01.2004 on a part time/temporary basis and at the time of joining, he deposited a sum of Rs.15,000/- as Security Deposit. The petitioner, while working in Shop No.615, No.33/5, Venketnarayana Salai, Nandanam, Chennai - 35, suddenly developed illness and he was given medical advice to take complete rest and also not to attend duty and was under continuous treatment for nearly nine months and as a consequence, was not able to move out and could not inform to the superiors. The petitioner was also

visited with a disciplinary proceedings and the Enquiry Officer has concluded that the unauthorized absence on the part of the petitioner has been proved. The Disciplinary Authority/2nd respondent, vide proceedings dated 11.01.2016, after taking into consideration the enquiry report, has passed the order holding the period of absence as period of service without pay and further directed the petitioner to pay a sum of Rs.5,000/- towards fine/penalty and the petitioner was called upon to pay the said sum within a period of seven days from the date of the order and accordingly, the petitioner had remitted the said sum on 18.01.2016. The grievance now expressed by the petitioner is that despite the fact that the petitioner has complied with the condition made in the impugned order dated 11.01.2016 passed by the 2nd respondent, he is yet to be issued with the order of reappointment and therefore, came forward to file this Writ Petition.

3. Heard the learned counsel appearing for the petitioner and Mr.Nedunchezian, learned counsel who accepts notice on behalf of the respondents.

4. In the light of the fact that the petitioner has complied with the conditional order of payment of fine/penalty of Rs.5,000/-, this Court is of the view that there may not be any impediment on the part of the respondents to consider his claim for his reinstatement into service.

5. In the result, the Writ Petition is disposed of and the respondent is directed to consider the request made by the petitioner for reinstatement in service on the basis of the compliance of the conditional order dated 11.01.2016 passed by the 2nd respondent and the said exercise is to be carried out within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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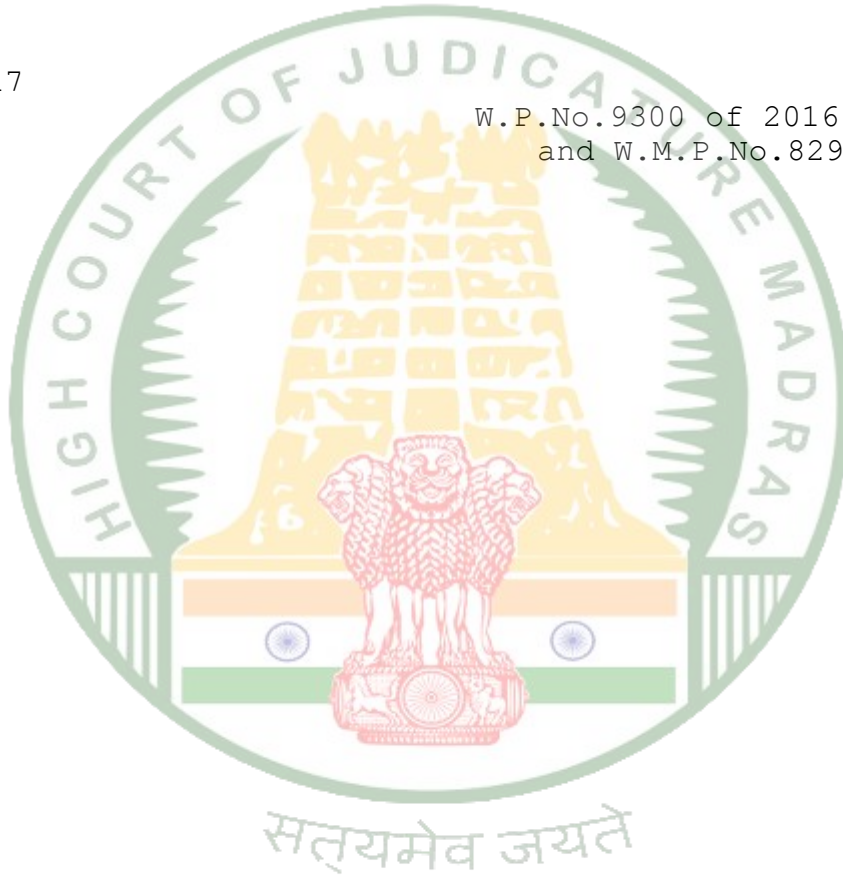
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+1cc to M/s. B. Nedunchezhiyan, Advocate, S.R.No.14061
+1cc to M/s. D. Dhayalan, Advocate, S.R.No.14412

NRI (CO)
EU 15.03.17

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