



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2017

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN**W.P. (MD) No.6563 of 2014**

A.Chandrasekaran

... Petitioner

-vs-

The District Manager,
Tamil Nadu State Marketing Corporation,
Thanjavur.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to reinstate the petitioner into service as Salesman at Shop No.7901 or any other shop of Tamil Nadu State Marketing Corporation in Thanjavur and to pass any such further other order or orders.

For Petitioner : Mr.C.M.Arumugam

For Respondent : Mr.M.Muniyasamy

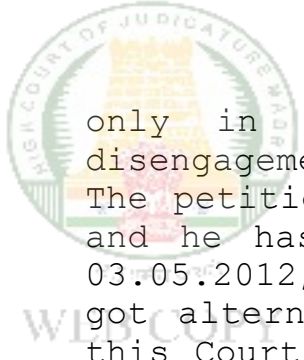
O R D E R

This petition has been filed, seeking to direct the respondent to reinstate the petitioner into service as Salesman at Shop No.7901 or any other shop of Tamil Nadu State Marketing Corporation in Thanjavur and to pass any such further other order or orders.

2. The case of the petitioner is that he joined the respondent Corporation on 27.12.2003 and was transferred to Shop No.7901 in 2005; that due to illness from 1st week of January, 2008, as he was bedridden, he was unable to perform any activities; that he was infected by jaundice and the Doctor advised him to take rest; that even after periodical treatment, his ailment was not cured and subsequently, he was also affected by Peptic Ulcer. According to him, later on he became alright and made a representation to post him as Salesman, but however, in the affidavit, he has not mentioned the date of representation. It is submitted by the petitioner that there is no order of suspension or termination issued against him as of now.

<https://hcservices.ecourts.gov.in/hcservices/>

3. It is seen that the petitioner has approached this Court



only in the year 2014 after a lapse of six years after disengagement of his services and he has not raised any dispute. The petitioner has also not shown any interest to report for duty and he has stated that he has submitted a representation dated 03.05.2012, which was also highly belated. As the petitioner has got alternative remedy and that there is a delay in approaching this Court, this Court is not inclined to grant any relief to the petitioner.

4. The respondent also stated that pursuant to the Government Order, several shops have already been closed and the persons, who are in service are waiting for redeployment.

5. Finding no merits in this writ petition, the same is dismissed. In case the petitioner approaches the Industrial Dispute Forum, the authority concerned, namely, Labour Court will have to consider the delay aspect in view of the amended provision. No costs.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To:

The District Manager,
Tamil Nadu State Marketing Corporation,
Thanjavur.

+1 CC to M/s.R.PANDI MAHARAJA, Advocate, SR No. 2089.

AR

PSM/CM-MSA/22.02.2017/2P/3C

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