



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.2892 of 2017

A.Managalanathan

... Petitioner

Vs.

The District Manager,
Tamil Nadu State Marketing Corporation
Limited(TASMAC),
Ramanathapuram.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondent to consider the Petitioner's representation, dated 10.12.2016 and allow the Petitioner to continue in service by reinstating the Petitioner into service.

For Petitioner : Mr.A.Anandraj
for M/s.M.Athilakshmi

For Respondent : Mr.M.Muniasamy
Standing Counsel for TASMAC

O R D E R

This Writ Petition has been filed, seeking a direction to the respondent to consider the Petitioner's representation, dated 10.12.2016 and allow the Petitioner to continue in service by reinstating the Petitioner into service.

2.Mr.M.Muniasamy, learned Standing Counsel takes notice for the respondent/TASMAC. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The Petitioner has submitted that he joined the services of the respondent/Corporation as Salesman and that his elder son, who is unwell and there is no one to take care of him. Hence, he could not attend the work from 2006. Hence he was transferred from the above shop by the authorities concerned, by order, dated



22.6.2006. The Petitioner has not produced any evidence to that effect except, submitting his representation stating that his elder son is suffering from illness.

4. According to the respondent, the Petitioner has not reported for work and he has abandoned the service.

5. Admittedly, the Petitioner is a workman. If there is any denial of employment, the Petitioner can raise industrial dispute and seek for necessary relief through appropriate forum. In view of the amendment to the provisions of the Industrial Disputes Act, industrial disputes have to be raised within three years. In order to circumvent the amended provisions of the Industrial Disputes Act, the Petitioner has come forward with the aforesaid Writ Petition for the relief stated supra. A perusal of the records would show that there is a delay of 11 years in filing the present Writ Petition. The Petitioner has filed the present Writ Petition to give a new life to his case, which was filed with a delay of 11 years. Hence this Court finds no merit in the innocuous prayer sought for by the Petitioner to consider his representation.

6. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (A.S)

/True Copy/

Sub Assistant Registrar

To:

The District Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Ramanathapuram.

+1cc to M/s.M.ATHILAKSHMI, Advocate Sr.No. 9506

vsn

AE/CM MSA/07.03.2017/2P/3C

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