

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Writ Petition No.32655 of 2018

R.Sasikumar

... Petitioner

..vs..

1. The Managing Director, TASMAC Ltd.,
CMDA Tower - II, Egmore, Chennai - 600 008
2. The District Manager, TASMAC Ltd.,
Coimbatore South, Coimbatore ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner, dated 01.08.2018 to reappoint the petitioner as Salesman in TASMAC Shop of the respondents.

For Petitioner : Mr. R.Amardeep

For Respondents : Mr. Sathish Kumar, SC for TASMAC

O R D E R

Seeking to reappoint the petitioner as Salesman in TASMAC Shop, this writ of mandamus has been filed by the petitioner.

2. Mr.Sathish Kumar, learned Standing Counsel, takes notice for the respondents. With consent of the learned counsel appearing for both sides, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner joined in the services of TASMAC, as Salesman, on 29.11.2003. On account of the verdicts from the Courts, some TASMAC shops were closed. When the petitioner was working in TASMAC Shop No.1652, Coimbatore South, the petitioner was relieved from TASMAC and absorbed in Sirumugai Pungampalayam Primary Agricultural Cooperative Society Ration Shop, as Salesman. Under compulsion only, the petitioner gave his willingness to get the job in Cooperative Society. He was compelled to give such willingness and therefore, he gave a letter dated 08.11.2017 withdrawing his willingness and requested that he must be retained in TASMAC shop.

3.1. Claiming that the petitioner was also suffering from lung problems and thus, there was inability to do work in the ration shop under dusty environment, the petitioner gave a representation to the respondents. The petitioner continues to suffer from the lung problems and he is under treatment also.

4. The claim regarding opening up of TASMAL subsequently succeeded in the Court cases and the shops which were closed are now reopened. There is a need for Salesman in the TASMAL shops also.

4.1. The Joint Commissioner, Cooperative Societies, has stated that it is not within his realm to repost the petitioner to the TASMAL by cancelling the appointment in the ration shop. But a letter has been forwarded to the second respondent, asking them to take necessary action in the light of representation sent by the petitioner to take him in the TASMAL.

5. Having regard to the limited relief sought for, without dwelling into the merits or otherwise of the matter, the respondents are directed to consider the representation, dated 01.08.2018, submitted by the petitioner in the light of the recommendations submitted to the second respondent by the Joint Registrar of Cooperative Societies and to pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srk
To

1. The Managing Director, TASMAL Ltd.,
CMDA Tower - II, Egmore, Chennai - 600 008.
2. The District Manager, TASMAL Ltd.,
Coimbatore South, Coimbatore.

+1cc to Mr.K.Sathishkumar, Advocate Sr.85714
+1cc to Ms.Tamizh Law Firm, Advocate Sr.86102

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kk[co]
srg 09/01/2019