

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20771 of 2019

and

W.M.P.Nos.19941 & 19944 of 2019

G.Gandeeban

... Petitioner

-Vs-

1.The Managing Director,
TASMAC, Head Office, 4th Floor,
CMDA Tower, Egmore,
Chennai-8.

2.The Senior Regional Manager,
TASMAC, No.54, Fair Land,
Salem-16.

3.The District Manager,
TASMAC, Vellore District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the proceedings, viz., (1) Ref.No.Se.Mu.No.21/2016/A dated 23.02.2016 passed by the 1st respondent (2). Se.Mu.Na.Ka.No. A2/751/CV/2014 dated 28.12.2015 passed by the 2nd respondent and (3) Se.Mu.Na.Ka.No. A2/751/C.V./2014 dated 02.06.2014 passed by the 3rd respondent and quash the same, by issuing a Writ of Certiorarified Mandamus and consequently direct the respondents to reinstate the petitioner in service with all service and monetary benefits.

For Petitioner : Mr.Lesi Saravanan

For Respondents : Mr.J.Pothiraj
Spl. Govt. Pleader

O R D E R

This Writ Petition has been filed, challenging the order of dismissal passed by the 3rd Respondent, which has been confirmed by the 2nd Respondent.

2. It is seen that after a detailed enquiry, the Petitioner was dismissed from service for certain misconduct, against which, he had preferred an appeal before the 2nd Respondent and the same also ended in dismissal on 23.02.2016. In the said order of the 2nd Respondent, liberty was granted to the Petitioner to file Revision before the 1st Respondent, if he is aggrieved by the order.

3. It is not known as to whether the Petitioner has preferred any Revision before the 1st Respondent or not. Anyhow, this Court cannot go into the disputed question of fact, including the punishment on the basis of the discussion made by the Enquiry Officer. Moreover, this Court cannot reappraise the evidence and come to a different conclusion and it is open to the Petitioner to challenge his dismissal by raising an Industrial Dispute, as the Writ Petition is not an alternative remedy.

4. Hence, the Writ Petition is disposed of, granting liberty to the petitioner to exhaust the alternative remedy of Revision, if not already exhausted or to raise a Dispute before the Appropriate Forum in the manner known to law, provided the same is within limitation. No costs. Consequently, connected Miscellaneous Petitions are closed.
ar

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
TASMAC,
Head Office, 4th Floor,
CMDA Tower, Egmore,
Chennai-8.
2. The Senior Regional Manager,
TASMAC,
No.54, Fair Land,
Salem-16.
3. The District Manager,
TASMAC,
Vellore District.

+lcc to Mr.Lesi Saravanan, Advocate, SR.No.59637
+lcc to the Govt.Pleader, Vide Sr.No.60228

W.P.No.20771 of 2019

Kak (18/07/2019)



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