

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No. 35094 of 2019

M.Esuraja

...Petitioner

Vs.

1.The District Manager,
TASMAC Ltd,
Dharmapuri.

2.The Senior Regional Manager,
TASMAC Ltd, Salem - 16.

3.The Managing Director,
TASMAC Ltd, Egmore,
Chennai - 8.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order in Na.Ka.No.32/2013/C.V.2, dated 06.04.2015 passed by first respondent and quash the same, consequently, direct the first respondent to reinstate the petitioner into service with back wages and grant such other relief.

For Petitioner : Mr.P.Ganapathy

For Respondents : Mr.K.Sathishkumar,
Standing Counsel.

सत्यमेव जयते
O R D E R

This writ petition has been filed challenging the order passed by the first respondent dated 06.04.2015 removing the petitioner from service on the ground of unauthorized absence.

2. It is seen from the records that when the impugned order was passed on 06.04.2015, the petitioner was specifically informed in the order itself that he has a right of appeal before the Senior Regional Manager. The learned counsel for the petitioner submitted that even though the appeal was not filed, the representation was given to the second respondent after the orders were passed on 03.05.2015 and the same has not been acted upon till date.

3. Heard Mr.P.Ganapathy, learned counsel appearing on behalf of the petitioner and Mr.K.Sathishkumar, learned counsel appearing on behalf of the respondents.

4. Taking into consideration the facts and circumstances of the case, this Court is not inclined to interfere with the order passed by the first respondent since an appeal remedy is available before the second respondent. Therefore, there shall be a direction to the second respondent to consider the representation made by the petitioner on 03.05.2015 and that it as an appeal and decide the case on its own merits and in accordance with law and pass appropriate orders within a period of six(6) weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with a copy of the representation dated 03.05.2015 and also a copy of this order.

5. This writ petition is disposed of with the above direction. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To:

1.The District Manager,
TASMAC Ltd,
Dharmapuri.

2.The Senior Regional Manager,
TASMAC Ltd, Salem - 16.

3.The Managing Director,
TASMAC Ltd, Egmore,
Chennai - 8.

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VGI (CO)
SP(17/02/2020)