

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32179 of 2018
and
W.M.P.No.37434 of 2018

N. Kalaiyarasan .. Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
Head Office, 4th Floor, CMDA Tower, Egmore,
Chennai - 600 008.
- 2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Chennai Division.
Chennai- 600 002.
- 3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,,
Thiruvallur East District. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent with regard to the order passed in proceeding No.M6/0803/2015 dated 06.07.2015 and quash the same and consequently direct the respondent to re-instate the petitioner into service with continuity of service with back wages and all the other attendant benefits.

For Petitioner : Mr.Lesi Saravanan

For Respondents : Mr.K. Sathish Kumar
Government Advocate

ORDER

This writ petition has been filed to call for the records on the file of the 3rd respondent with regard to the order passed in proceeding No.M6/0803/2015 dated 06.07.2015 and quash the same and consequently direct the respondent to re-instate the petitioner into service with continuity of service with back wages and all the other attendant benefits.

2.The case of the petitioner is that the petitioner was appointed as Salesman in the third respondent society on 29.12.2006. On 10.06.2015, the third respondent issued a charge memo for his unauthorised absence and consequently dismissal order was passed on 06.07.2015.

3.The learned counsel for the petitioner submitted that the petitioner was suffering from back pain and he has sent medical certificate for the period, when he has not attended duty. He further submitted that the petitioner has submitted his explanation for the charge memo issued on 10.06.2015, but the same was not considered by the 3rd respondent and issued dismissal order in proceeding No.M6/0803/2015 dated 06.07.2015 with a liberty to file an appeal before the 2nd respondent.

4.Hence, the petitioner filed an appeal before the 2nd respondent, but the same was not considered. Since the petitioner's appeal was not yet considered, this writ petition came to be filed.

5.Considering the facts and circumstances of this case, the first respondent is directed to consider the representation made by the petitioner on 06.07.2016,03.07.2017 and 05.07.2018 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above directions this writ petitions is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

smn

To

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
Head Office, 4th Floor, CMDA Tower, Egmore,
Chennai - 600 008.

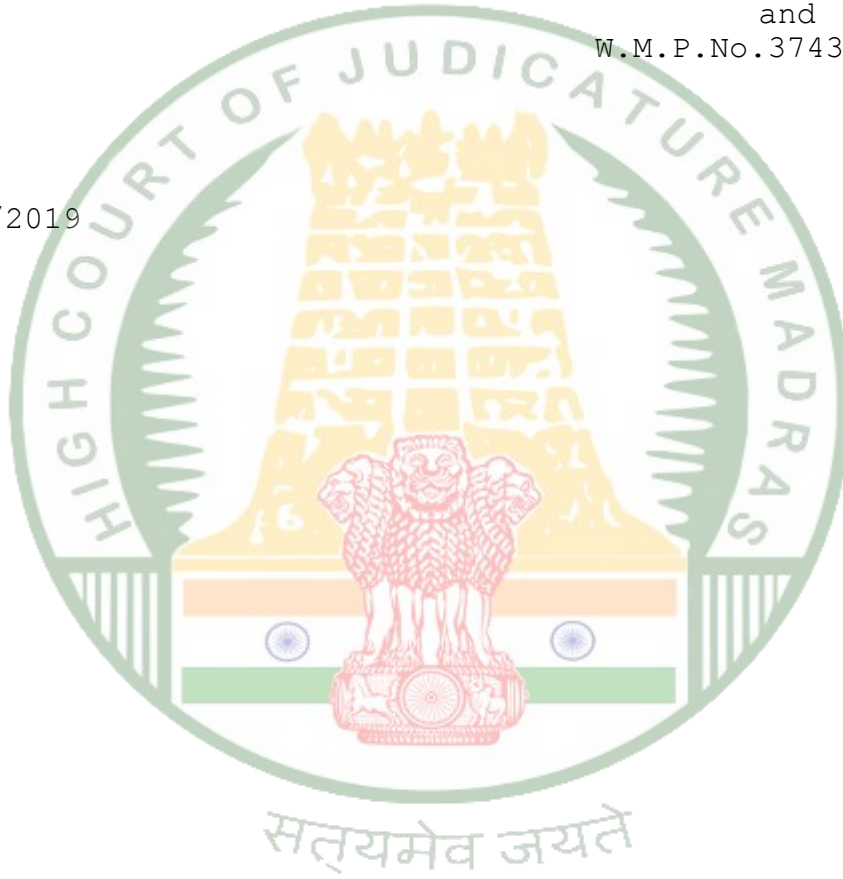
2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Chennai Division.
Chennai- 600 002.

3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,,
Thiruvallur East District.

+1cc to Mr.K.Sathishkumar, Advocate Sr.98122
+1cc to M/s.Lesi Saravanan, Advocate Sr.98295

W.P.No.32179 of 2018
and
W.M.P.No.37434 of 2018

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srg 10/12/2019



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