

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.01.2019

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 34440 OF 2018

A.Azhagesan

.. Petitioner

- Vs -

1. The Executive Committee (Appellate Authority)
Tamil Nadu Warehousing Corporation Ltd.
Chennai 600 032.

2. The Managing Director
Tamil Nadu Warehousing Corporation
Chennai 600 032.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents particularly the 1st respondent to consider the appeal preferred by the petitioner dated 23.3.2016 against the order of punishment dated 20.1.2016 in the light of the judgment rendered by this Hon'ble court in WP No.3548/2013 dated 7.11.2016.

For Petitioner : Mr. S.Selvathirumurugan

For Respondents: Mr. A.N.Thambidurai, AGP

ORDER

The present petition has been filed for a direction to the 1st respondent to consider the appeal preferred by the petitioner, dated 23.3.16. The appeal has been filed by the petitioner challenging the order of punishment dated 20.1.2016.

2. Learned counsel appearing for the petitioner submits that the proceedings against the petitioner is unwarranted in the light of the order passed by this Court in W.P. No.3548/2013. The main contention raised is that atleast after the disposal of W.P. No.3548/2013, the appeal should have been disposed of in the light of the orders passed in the said writ petition.

3. A perusal of the order in W.P. No.3548/2013 reveals that the parties to the lis have agreed to settle the matter taking into consideration the scenario in escalation of price. In such circumstances, no mala fide having been attributed in the said writ petition and the matter having been amicably settled between the parties, the appeal preferred by the petitioner should have been disposed of in the light of the order passed in W.P. No.3548/2013.

4. However, in view of the limited relief sought for, this Court is of the view that it would be suffice to direct the respondent to consider the representation/appeal dated 23.3.2016, submitted by the petitioner in the light of the order passed in W.P. No.3548/2013 dated 7.11.2016 within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the respondent to consider the appeal/representation dated 23.3.2016, submitted by the petitioner in the light of the order passed in W.P. No.3548/2013 dated 7.11.2016 and pass orders thereon within a period of four weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Executive Committee (Appellate Authority)
Tamil Nadu Warehousing Corporation Ltd.
Chennai 600 032.

2. The Managing Director
Tamil Nadu Warehousing Corporation
Chennai 600 032.

+1cc to Mr.S.Selathirumurugan, Advocate, S.R.No. 1247

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GN(28/01/2019)