

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 16099 OF 2013

R.Elango

...Petitioner

- Vs -

The District Manager,  
Tamil Nadu State Marketing Corporation Ltd,  
(TASMAC)  
Coimbatore Division,  
Coimbatore, Tamil Nadu.

...Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ Mandamus, directing the respondent to reinstate the petitioner in his service as a Supervisor in the TASMAC shop with continuity of service, back wages and all other attendant benefits.

For Petitioner : No appearance

For Respondents : M/S.K.Sathishkumar

ORDER

The writ petition has been filed by the petitioner, to direct the respondent to reinstate the petitioner in his service as Supervisor in the TASMAC shop with continuity of service, back wages and all other attendant benefits.

2.The case of the petitioner is that the petitioner was appointed as Supervisor in TASMAC Shop and he was suspended from service on 05.11.2007 on the allegation of loose sale and adulteration of water in the liquor. Thereafter the Assistant Manager (Retail sale) was appointed as enquiry officer, but no enquiry was conducted and neither suspension order nor termination order was issued to the petitioner and he sought for information about his suspension under the Right to Information Act in which he was informed that his service was terminated on 01.12.2007 itself. It is the case of the

petitioner that the termination order issued without conducting enquiry is wholly unsustainable and deserves to be interfered. Therefore, the present writ petition was filed with the above said prayer.

3. Though the case was initially listed on 01.09.2020, it was adjourned on 02.09.2020, however, there was no representation for the petitioner. Considering the fact that the petition has been filed way back in the year 2013 and has been pending on the file of this Court since then, this Court proceeds to decide the case on merits and pass orders, which would in no way be a detriment to the case of the petitioner.

4. Learned Standing counsel appearing on behalf of the respondent, submitted that the termination order was issued on 01.12.2007 itself and the petitioner himself stated in his affidavit stated that oral termination order was issued and he came to know of the same under the Right to Information Act. However, without challenging the termination order, filing this writ petition is misconceived and, therefore, prays for dismissal of the petition.

5. This Court heard the submissions made by the learned standing counsel appearing for the respondent and also perused the materials available on record.

6. On perusal of the records, it reveals that the facts in the case are not in dispute. It is alleged that the petitioner has indulged in illegal activities, his services were terminated by the respondent as on 01.12.2007. However without challenging the said impugned termination order, the present writ petition has been filed for the prayer to reinstate the petitioner, which relief is wholly misconceived and unsustainable. In the above circumstances, the prayer as sought for by the petitioner is not maintainable in the absence of any challenge being made to the order of termination.

7. In the above backdrop of the facts and circumstances of the case, this Court is of the considered view that no mandamus, as sought for could not be issued. Accordingly, this Writ Petition stands dismissed. However liberty is granted to the petitioner to work out his remedy in the manner known to law. There shall be no order as to costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

The District Manager,  
Tamil Nadu State Marketing Corporation Ltd,  
(TASMAC)  
Coimbatore Division,  
Coimbatore, Tamil Nadu.

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RSK (CO)  
RN (11/11/2020)



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