

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.36521 of 2005

I.Susai

... Petitioner

vs.

1. Tamil Nadu Ex-Servicemen Corporation Ltd. (TEXCO)
represented by the

Additional Secretary to Government
and Ex Officio Managing Director, TEXCO,
Public (Ex-servicemen) Department,
Secretariat, Chennai 600 009.

2. The Secretary cum Administrative Officer,
Tamil Nadu Ex-Servicemen Corporation Ltd. (TEXCO)
Parameswaran Memorial Building,
No.2, West Mada Street,
Sri Nagar Colony,
Saidapet, Chennai 600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Certiorarified mandamus, to call for the records of the 2nd Respondent relating to the issuance of the impugned order in Proc.No.5286/TEXCO/PPS-CH/2005, dated 14.09.2005 and quash the same as illegal, violative and ultra vires and consequently, to pass orders directing the 1st and 2nd Respondents to reinstate the Petitioner in their original posts of the Paid Parking Slot Inspector, with all monetary benefits that will lawfully accrue to the Petitioner.

For Petitioner : No appearance
for Mr.K.Nazir Ahamed

For Respondents 1 & 2: No appearance
for Ms.S.K.Selvarani

ORDER

Petitioner has come up with this Writ Petition challenging the impugned order dated 14.09.2005 passed by the 2nd Respondent herein vide Proc.No.5286/TEXCO/PPS-CH/2005, and for a consequential direction to the 1st and 2nd Respondents to reinstate him in his original post of Paid Parking Slot Inspector, with all monetary benefits that will lawfully accrue to him.

2. As there was no representation for the Petitioner on the previous hearings, i.e. on 13.07.2020, 24.07.2020, 19.08.2020 and 01.09.2020, the matter was directed to be listed under the caption 'for dismissal'. Even today, there is no representation for the Petitioner. However, based on the records available, this Court has taken up the matter for final disposal.

3. According to the Petitioner, he was appointed as Paid Parking Slot (PPS) Inspector on contract basis in the 1st Respondent Corporation and joined duty with effect from 17.04.2001. The 2nd Respondent issued a Memo dated 25.08.2005 to the Petitioner alleging certain financial loss caused on the strength of the impugned survey conducted by NSS volunteers/students for the period from 28.07.2005 to 03.08.2005 and the Petitioner submitted his explanation to the same vide letter dated 31.08.2005.

4. It is the case of the Petitioner that, the 2nd Respondent, on the strength of the analysis of the impugned survey result in the slot area allotted to him and under his supervision, terminated his contract service vide the impugned order dated 14.09.2005, apart from reserving the right to proceed against him, in case of any loss to the Corporation.

5. This Writ Petition is of the year 2005 and much water would have flown in the course of these many years.

6. Today, Mr.K.Magesh, learned Special Government Pleader, who was present before this Court in the Virtual Hearing, submitted that, the Respondent/TEXCO is not having control with regard to allotment of Paid Parking Slot, with anyone.

7. Taking note of the said submissions of the learned Special Government Pleader, this Court holds that, if the Petitioner has any grievance, he has to agitate his remedy only before a different forum and he cannot seek remedy by way of a Writ Petition.

The Writ Petition stands dismissed with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

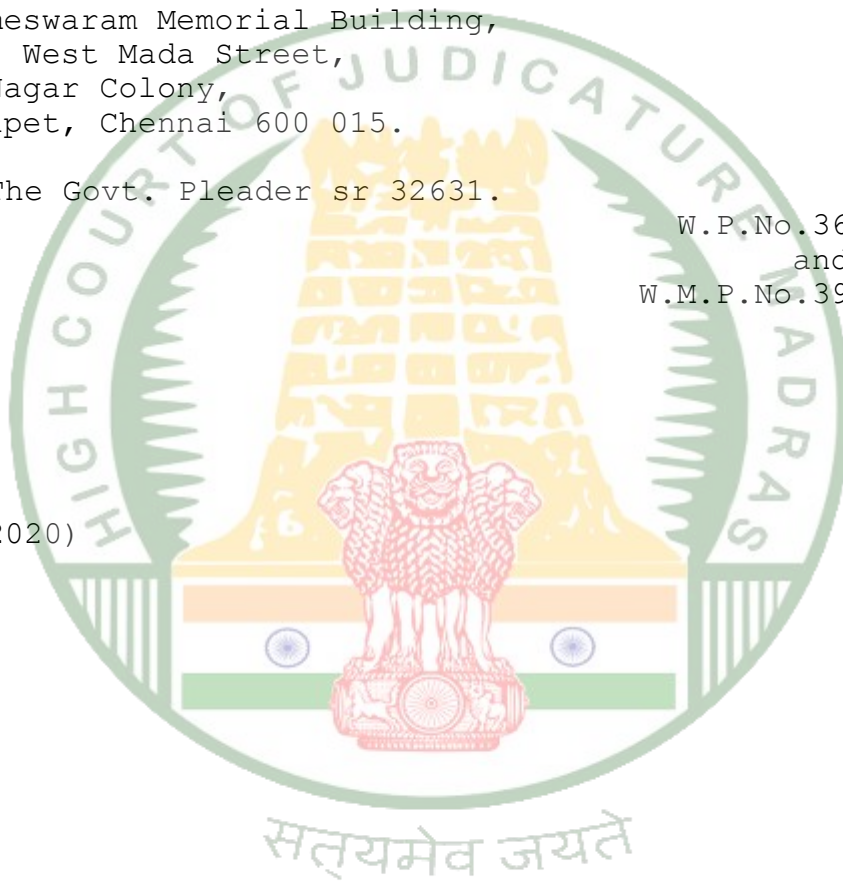
To:

1. The Additional Secretary to Government,
Tamil Nadu Ex-Servicemen Corporation Ltd. (TEXCO)
and Ex Officio Managing Director, TEXCO,
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2. The Secretary cum Administrative Officer,
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+1 CC to The Govt. Pleader sr 32631.

W.P.No.36521 of 2005
and
W.M.P.No.39310 of 2005

BR(CO)
SP(11/11/2020)



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