

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.15994 of 2020 and

W.M.P.No.19903 of 2020

S.Ramasamy

... Petitioner

Vs

- 1.The Managing Director,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
CMDA Building, Tower-II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai 600 008. ... Respondents
- 2.The District Manager-II,
Tamil Nadu State Marketing
Corporation Limited, (TASMAC),
Coimbatore South,
Coimbatore District.

petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records of the second respondent in Na.Ka.No.592/2015/Rv(a) dated 14.09.2015 and quash the same and thereby reinstate the petitioner.

For Petitioner : Mr.C.Veera Raghavan

For Respondents : Mr.K.Sathish Kumar, SC

ORDER

This writ petition has been filed to call for the entire records of the second respondent in Na.Ka.No.592/2015/Rv(a) dated 14.09.2015 and quash the same and thereby reinstate the petitioner.

2. The petitioner claims to have worked as Bar Attender in the respondent Corporation somewhere in 2004. According to

him, he was absent from 17.02.2007 to 03.03.2015. The said absence was obviously without authorization. The petitioner claims to have suffered from Jaundice and taking treatment during the period of his long absence of seven years. As disclosed by him in the affidavit, it appears that in the meanwhile, the Corporation initiated disciplinary action against him and finally removed him from service on 14.09.2015. The said removal order is put to challenge in the present writ petition.

3. The entire affidavit is completely bereft of any details as to what happened pertaining to the disciplinary proceedings initiated against him during the period of his long absence from 2007 to 2015. Even after 2015, the petitioner appears to have slept over his right for five long years and nothing has been stated in the affidavit, explaining the passage of long period of five years from the date of removal from service and till the date of filing of this writ petition. Moreover, from the facts it could be seen that the petitioner has abandoned his service for seven years without any intimation to the authority and the reason for such long absence appears to be perse unacceptable and unbelievable.

4. This Court's jurisdiction cannot be used for such person who suffer from rank indiscipline and taking employment in public service for granted. This Court is in fact surprised to find that the petitioner without repenting for his indiscipline for remaining absent for seven long years, is blaming the Corporation authorities for not following the principles of natural justice.

5. This Court is unable to appreciate the conduct of the petitioner and in any event, the delay is enormous which can never be condoned under any circumstances. Therefore, the present writ petition is dismissed as without being merits and substance. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar (CS)

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Sub Assistant Registrar

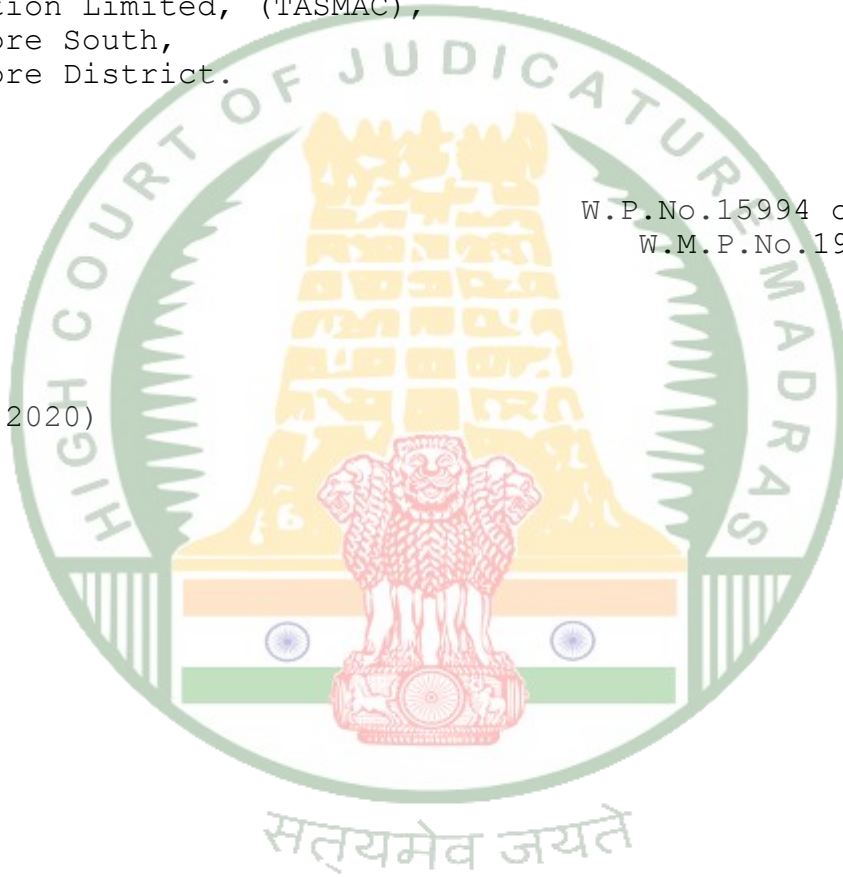
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To

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UM (CO)
UM (15.12.2020)



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