

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.27735 of 2017
WMP.No.29699 of 2017

P.Manikandan

Petitioner

Vs

1.TASMAC, by its Managing Director,
CMDA Tower, Egmore, Chennai-8

2.TASMAC, by its Senior Regional Manager
Goundanpalayam, Coimbatore 641030

3.TASMAC, by its District Manager
Coimbatore South, Coimbatore

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the 1st Respondent, dated 12.06.2017, in Se.Mu.Na.Ka.No.R1/8157/2016, and confirming the order of the 2nd Respondent, dated 25.2.2016, in Na.Ka.No.540/2015/A1 and confirming the order of the 3rd Respondent, dated 30.4.2015 in Na.Ka.No.305/2015/RV1 and to quash the same and consequently, to direct the Respondents to reinstate the Petitioner as the Assistant Salesman, with all monetary and other attendant benefits.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.K.Sathish Kumar

ORDER

1.The prayer in this Writ Petition is to issue a Writ of Certiorarified Mandamus, to call for the records, relating to the order of the 1st Respondent, dated 12.06.2017, in Se.Mu.Na.Ka.No.R1/8157/ 2016, confirming the order of the 2nd Respondent, dated 25.2.2016, in Na.Ka.No.540/2015/A1 and confirming the order of the 3rd Respondent, dated 30.4.2015 in Na.Ka.No.305/2015/ RV1 and to quash the same and consequently, to direct the Respondents to reinstate the Petitioner as the Assistant Salesman, with all monetary and other attendant benefits.

- 2.The facts of the case are that on 17.02.2004, the Petitioner was appointed as Bar Attender in the Respondent Corporation and later, he was promoted as Assistant Salesman. By order dated, 30.04.2015 of the 3rd Respondent, the Petitioner was terminated from service on the ground that he did not pass VIII Standard at the time of appointment. In the appeal, the order of termination was confirmed by order dated, 25.02.2016 of the 2nd Respondent. In the Revision also, the termination of the Petitioner was confirmed by the impugned order, dated 12.06.2017. Hence, the Petitioner is before this Court, challenging the order of termination and seeking reinstatement with all monetary and other attendant benefits.
- 3.This court heard the learned counsel on either side and considered their respective submissions and also perused the materials placed on record.
- 4.According to the learned counsel for the Petitioner, the impugned order, terminating the services of the Petitioner, had been passed, on the ground that the Petitioner did not possess the requisite educational qualification of passing VIII Standard on the date of his appointment and subsequently, he had passed the said requisite qualification and therefore, the Respondents has to reinstate the Petitioner in service as Assistant Salesman, with all monetary and other attendant benefits.
- 5.On the other hand, the learned Standing Counsel for the Respondent Corporation, filing a counter on behalf of the Respondent Corporation, has submitted that the Petitioner cannot be reinstated in service since he was terminated from service on the ground that the Petitioner did not possess the requisite educational qualification of passing VIII Standard as per the Standing Orders and Rules of the Respondent Corporation.
- 6.By accepting the contentions of the learned Standing Counsel for Respondent Corporation, this Court cannot grant any such relief as sought for by the Petitioner and consequently, the contention of the Petitioner is rejected. However, taking into consideration the fact that the Petitioner had served in the Respondent Corporation for more than fourteen years and now he had possessed the required educational qualification of passing VIII Standard, it is open to the Petitioner to make a representation, seeking fresh appointment to the Respondent Corporation within a period of two weeks from the date of receipt of a copy of this order and if any such representation is made, the Respondent Corporation shall consider the

appointment of the Petitioner as a fresh candidate, subject to the vacancy available in the Respondent Corporation.
7. With the above observations, this Writ Petition is dismissed.
No costs. Consequently, the connected MP is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

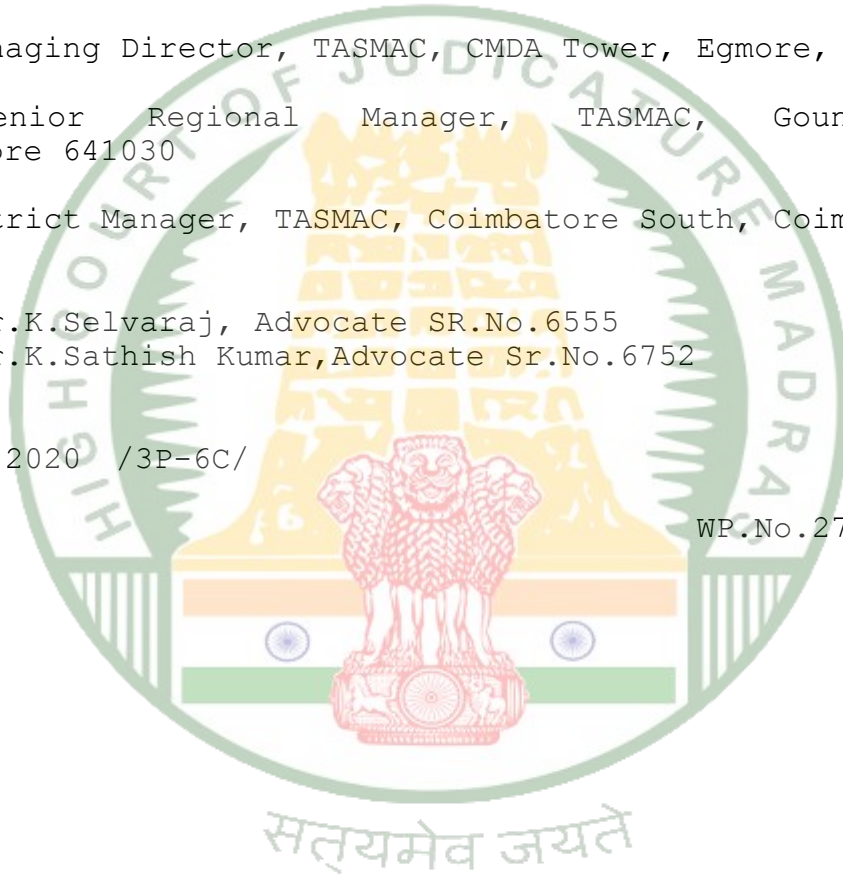
1. The Managing Director, TASMAC, CMDA Tower, Egmore, Chennai-8
2. The Senior Regional Manager, TASMAC, Goundanpalayam, Coimbatore 641030
3. The District Manager, TASMAC, Coimbatore South, Coimbatore.

+1cc to Mr.K.Selvaraj, Advocate SR.No.6555

+1cc to Mr.K.Sathish Kumar, Advocate Sr.No.6752

AKM/26.02.2020 /3P-6C/

WP.No.27735 of 2017



WEB COPY