



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8053 of 2020

and

W.M.P (MD)No.7475 of 2020

S.Suresh Kumar

... Petitioner

-Vs-

The District Manager (Retail Vending),
Tamil Nadu State Marketing-
Corpn., Ltd., (TASMAC),
Thoothukudi District,
Thoothukudi-8.

... Respondent

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 23.05.2020 for permitting him to join in duty as Salesman in any one of the TASMAC shops near Aathur, Thoothukudi District and pass orders within a time stipulated by this Court.

For Petitioner : Mr.P.Subbiah

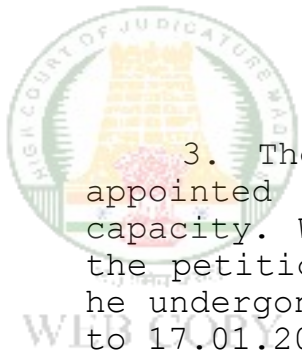
For Respondent : Mr.B.Jameel Arasu,
Standing Counsel

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 23.05.2020 for permitting him to join in duty as Salesman in any one of the TASMAC shops near Aathur, Thoothukudi District and pass orders within a time stipulated by this Court.

2.Heard Mr.P.Subbiah, learned counsel appearing for the petitioner and Mr.B.Jameel Arasu, learned Standing Counsel appearing for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The case of the petitioner is that, the petitioner was appointed as Salesman on 27.11.2003 and has been working in that capacity. While that being so, due to health reason, on 08.01.2020 the petitioner was admitted in Thiraviam Hospital, Nagercoil, where he undergone surgery. Accordingly, he was inpatient from 08.01.2020 to 17.01.2020 and thereafter, discharged.

4. After recovering from the illness, on 31.01.2020 he reported duty to the respondent, however, the respondent has not come forward to give duty to the petitioner. Therefore, in this regard, the petitioner has given a representation, dated 23.05.2020 to the respondent and it is the plea of the learned counsel for the petitioner that, if the said representation is considered by the respondent and an orders to that effect is passed within a time frame to be stipulated by this Court, the petitioner would be satisfied.

5. The learned counsel appearing for the petitioner would also submit that in the further communication, which has been filed in the typed set of papers, it is informed that the said representation of the petitioner having been considered by the respondent has been forwarded to the Senior Regional Manager, Madurai Region, TASMAC, who has to consider now and pass orders.

6. The learned Standing counsel appearing for the respondent/TASMAC would submit that the said representation of the petitioner, dated 23.05.2020 submitted to the respondent and forwarded to the Senior Regional Manager, Madurai Region TASMAC, Madurai would be considered by the said officer and orders would be passed thereon, on merits and in accordance with law, within a time frame to be stipulated by this Court.

7. Considering limited scope of the prayer sought for herein and after hearing both sides, this Court is inclined to dispose of this writ petition, with the following direction:

"i)that the respondent shall consider the representation of the petitioner, dated 23.05.2020 with regard to his plea for getting duty after recovering from his illness and pass orders thereon, on merits and in accordance with law. Since the representation of the petitioner has already been forwarded for necessary action to the Senior Regional Manager, Madurai Region TASMAC, Madurai who is not a party before this Court, the copy of this order shall be addressed to the Senior Regional Manager, Madurai Region TASMAC, Madurai, who shall on receipt of a copy of this order shall consider the representation of the petitioner, dated 23.05.2020 forwarded by the respondent herein and pass orders as indicated above, within a period of six weeks from the date of receipt of a copy of this order.



8. With this direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Manager (Retail Vending),
Tamil Nadu State Marketing-
Corpn., Ltd., (TASMAC),
Thoothukudi District,
Thoothukudi-8.

Copy to:

The Senior Regional Manager,
Madurai Region,
TASMAC, Madurai.

Order made in

W.P. (MD)No.8053 of 2020

Dated: **27.07.2020**

am

SDS (12.08.2020) 3P-3C