



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.8176 of 2014

and

MP(MD)No.1 of 2014

WEB COPY

A.Eswaran

... Petitioner

-Vs-

1.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai South, Kuthiyarkundu,
Kappalur Siddco Premises,
Madurai District.

2.The Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Anna Nagar, Madurai,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent herein to reinstate the petitioner on the basis of the representation, dated 26.03.2014 and further direct the respondent to pay the back-wages and other eligible allowance.

For Petitioner	: Mr.K.R.Laxman
For Respondents	: Mr.H.Arumugam Standing Counsel

ORDER

The relief sought for in the present writ petition is to direct the respondents to reinstate the petitioner on the basis of the representation, dated 26.03.2014.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner was orally terminated from service. In spite of his request, he was not permitted to rejoin duty. Thus, he made a representation to the respondents on 26.03.2014 and the said representation was also not considered. Accordingly, the present writ petition is filed.

3.The learned Standing Counsel for the respondents disputed the contentions raised on behalf of the writ petitioner by stating that the writ petitioner was engaged as a temporary employee in TASMAC and he remain unauthorisedly absent and subsequently, the management TASMAC came to understand that a criminal case was



registered against him in Crime No.255 of 2013 for the offence under Sections 406 and 420 of IPC. The petitioner was arrested and remanded in judicial custody from 25.06.2013 onwards. Thus, he remain unauthorisedly absent for about 10 days. Thereafter, a show cause notice was issued to the writ petitioner informing why he should not be removed from service for unauthorised absent. No explanation was received from the writ petitioner. Thus, the writ petitioner was terminated from service.

4.Admittedly, the writ petitioner was engaged as a temporary employee in TASMACH shop. He was arrested and remanded to judicial custody in connection with a criminal case. The show cause notice was issued by the respondents to the writ petitioner. However, no reply was received from the writ petitioner. Thus, the petitioner was terminated from service. This being the factum, the temporary employees cannot claim any right for reinstatement in view of the fact that he remain unauthorisedly absent and further a criminal case was registered against the writ petitioner. This being the factum, the relief as such sought for to direct the respondents to reinstate the petitioner by considering the representation cannot be granted. Mere submission of representation could not be a ground to claim reinstatement in service. Then, the appointment himself is on temporary basis.

5.Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

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Sub Assistant Registrar(CS)

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