

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6340 of 2021

P.Chinthanaiyalan

... Petitioner

Vs.

1. The Managing Director,  
TASMAC,  
Chennai 600 002.

2. The Regional Manager,  
TASMAC, Trichy Region,  
O/o.Senior Regional Manager,  
Trichy, Trichy District.

3. The District Manager,  
TASMAC,  
Ariyalur - Perambalur,  
Perambalur.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents to pass orders on the basis of the enquiry conducted on 12.10.2020 by the 2<sup>nd</sup> Respondent as per his summon proceedings vide Na.Ka.No.760/2020(A1), dated 01.10.2020.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.K.Satheesh Kumar

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to pass orders on the basis of the enquiry conducted on 12.10.2020 by the 2<sup>nd</sup> Respondent as per his summon proceedings vide Na.Ka.No.760/2020(A1), dated 01.10.2020.

2. According to the Petitioner, he was appointed as Salesman in TASMAC on 28.12.2003 and that, while he was working in Shop No.6447 at Kulumur Village, Sendurai Taluk, Ariyalur District, there was frequent threat to his life by alcoholic

anti-social elements. Hence, he made a request to the Respondents either to shift the Shop or transfer him to some other Shop. As they refused to do so, the Petitioner stopped attending the Shop from 14.08.2014. As the Petitioner did not have sufficient income to run his family, he made several written representations before the Respondents to permit him to join duty. In that regard, finally, he made a written representation to the Respondents on 24.08.2020. As no reply is forthcoming from the Respondents, the Petitioner is before this Court.

3. Learned Standing Counsel appearing for the Respondents submitted that, the Petitioner did not report for work from 2014 and that, after a lapse of six years, he has made a written representation to the Respondents on 24.08.2020.

4. In reply, learned counsel for the Petitioner submitted that, due to life threat caused by alcoholic anti-social elements near the Shop where the Petitioner was working, he was unable to report for work and hence, he made representation to the Respondents seeking transfer to some other Shop.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Considering the facts and circumstances of the case, this Court directs the Respondents herein to consider the Petitioner's representation dated 24.08.2020 in accordance with law, on the basis of the enquiry conducted on 12.10.2020 by the 2<sup>nd</sup> Respondent as per his summon proceedings vide Na.Ka.No.760/2020(A1), dated 01.10.2020, after affording an opportunity of personal hearing to the Petitioner, and pass appropriate orders on the same, within a period of sixty days from the date of receipt of a copy of this order.

7. This Court makes it clear that, in case, any favourable order is passed in favour of the Petitioner, he will not be entitled to backwages from the date he stopped reporting for work in 2014 till the date of his representation, i.e. 24.08.2020, de hors the submission made by the learned counsel for the Petitioner.

8. The Petitioner shall furnish his phone number, Email ID, if any, etc., along with a copy of his representation and a copy of this order to the Respondents, forthwith. Respondents are directed to communicate the decision taken on the representation, to the Petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/Registered Post/Speed Post, so that there is no need for the parties to file a Contempt Petition after expiry of the

specified period. In case, Authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that, they are not aware of the order of this Court.

With the above direction and observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

(aeb)

To:

1. The Managing Director,  
TASMAC,  
Chennai 600 002.
2. The Regional Manager,  
TASMAC, Trichy Region,  
O/o. Senior Regional Manager,  
Trichy, Trichy District.
3. The District Manager,  
TASMAC,  
Ariyalur - Perambalur,  
Perambalur.

W.P.No.6340 of 2021

JP-II (CO)  
GMY (03/05/2021)

WEB COPY