



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.7503 of 2022

R.Ramdoss

... Petitioner

Vs.

The Chairman/Managing Director,
Poombuhar Shipping Corporation,
No.692, (Old No.473), Anna Salai,
IV Floor, Nandanam,
Chennai-35.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to consider and pass orders on the petitioner's written representation dated 14.03.2022 within the time stipulated as prescribed by this Court.

For Petitioner : Mr.A.Chandrakumar

ORDER

The relief sought for in this writ petition is to direct the respondent to consider the representation submitted by the writ petitioner on 14.03.2022 and pass orders.

2.The petitioner states that he joined as a Fitter in Poombuhar Marine Workshop in the year 1997. Subsequently, he was temporarily appointed as Officer on Special Duty. The petitioner was further promoted as Deputy General Manager by the respondent Shipping Corporation. On 30.08.2017, departmental disciplinary proceedings were initiated against the writ petitioner and a show cause notice was also issued to him and he has submitted his explanation. Subsequently, he was allowed to work in the post of Deputy General Manager in the office of the respondent. That being the facts, suddenly, the petitioner was terminated from service on 14.12.2018 stating that all the vessels of Poombuhar Shipping Corporation Limited, were already sold and therefore, there is no work for the post of Deputy General Manager. The said order was passed on 14.12.2018. The order of termination clearly furnished the duties and responsibilities attached to the post of Deputy General Manager and the Board of Poombuhar Shipping Corporation Limited, after a detailed discussion, has passed a resolution stating that service of the writ petitioner as Deputy General Manager is terminated, as per the rules of the Corporation as decided by the Board.

3.The petitioner has not challenged the said order, as he was temporarily appointed as Deputy General Manager. When the Board has passed the resolution that all the vessels were sold and there is no



work for the temporary post and they have terminated the petitioner in the year 2017. Now, after a lapse of 4 years, the present writ petition is filed on the ground that the respondent has issued recruitment notification for the said post. If at all the recruitment notification has been issued, it is for the petitioner to participate in the process of selection, if he is otherwise eligible. However, this Court cannot direct the respondent to decide about the order of termination, which was issued in the year 2018 and remained unchallenged.

4.A new recruitment notification has been issued in the year 2022 and the termination of temporary service was issued in the year 2018. That being the case, the petitioner is at liberty to participate in the process of selection, if he is otherwise eligible in accordance with the terms and conditions of the notification issued by the respondent. However, by issuing a direction to consider the representation, the same would not do any service to the cause of justice. Contrarily, the petitioner would come again before this Court with another writ petition, which would result for multiplicity of proceedings. Therefore, this Court is not inclined to direct the respondent to consider the representation. However, the petitioner is at liberty to participate in the process of selection pursuant to the notification, if he is otherwise qualified.

With these observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Chairman/Managing Director,
Poombuhar Shipping Corporation,
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