



WEB COPY



W.P. No. 11115 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 11115 of 2023

and

W.M.P. No. 10971 of 2023

K. Selvaraj

... Petitioner

-VS-

1. The Managing Director,
The Tamil Nadu State Marketing Corporation Limited,
Head Quarters, 4th Floor, CMDA Tower – 2,
Egmore, Chennai – 600009.
2. The Senior Regional Manager,
The Tamil Nadu State Marketing Corporation Limited,
Salem, TASMAL Limited,
Salem District – 636016.
3. The District Manager,
The Tamil Nadu State Marketing Corporation Limited,
Arakkonam, Vellore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the Third Respondent in his Proceedings vide No. Se. Mu. Na. Ka. No. A1/222/C.V/2022 dated 26.10.2022 and quash the same and consequently direct the Respondent to reinstate the Petitioner back into service with all attendant and monetary benefits within a stipulated time.



W.P. No. 11115 of 2023

WEB COPY

For Petitioner : Ms. T.Nithya

For Respondents : Mr. K.Balakrishnan

ORDER

Heard Ms. T.Nithya, Learned Counsel for the Petitioner and Mr. K.Balakrishnan, Learned Counsel, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. Though the Writ Petition has been filed challenging the Proceedings in Se. Mu. Na. Ka. No. A1/222/C.V/2022 dated 26.10.2022 passed by the Third Respondent dismissing the Petitioner and to consequently direct the Respondent to reinstate him back into service with all attendant and monetary benefits, Learned Counsel for the Petitioner submits that the Petitioner would be satisfied if the appeal dated 02.03.2023 filed before the Second Respondent against that order is directed to be disposed by the concerned authority within the time limit that may be fixed by the Court.



W.P. No. 11115 of 2023

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) the concerned authority shall immediately examine the appeal dated 02.03.2023 preferred by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment; and
- (v) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.



W.P. No. 11115 of 2023

In fine, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

12.04.2023

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Index: Yes/No

Note: Issue order copy by 06.06.2023.

To

1. The Managing Director,
The Tamil Nadu State Marketing Corporation Limited,
Head Quarters, 4th Floor, CMDA Tower – 2,
Egmore, Chennai – 600009.
2. The Senior Regional Manager,
The Tamil Nadu State Marketing Corporation Limited,
Salem, TASMAC Limited,
Salem District – 636016.
3. The District Manager,
The Tamil Nadu State Marketing Corporation Limited,
Arakkonam, Vellore District.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai.



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W.P. No. 11115 of 2023

P.D. AUDIKESAVALU, J.

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W.P. No. 11115 of 2023

12.04.2023