



W.P.No.12483 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.12483 of 2020

A.Shankar

... Petitioner

Vs.

The District Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC), Coimbatore,
Coimbatore District, Tamil Nadu.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to reinstate the petitioner in his service as Salesman in TASMAC shop at Coimbatore with continuity of service, back wages and all other attendant benefits.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.K.Sathish Kumar

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondent to reinstate the petitioner as



W.P.No.12483 of 2020

Salesman in TASMACH shop at Coimbatore with continuity of service, back wages and all other attendant benefits.

2. Heard Mr.P.R.Thiruneelakandan, learned counsel for the petitioner and Mr.K.Sathish Kumar, learned counsel for the respondent.

3. The petitioner who was appointed as Salesman in TASMACH is said to have remained absent for duty from 27.02.2020. As per the contention of the petitioner he was suffering from sudden illness and hence he was not able to attend duty. It is further submitted that he produced medical certificate and fitness certificate and requested permission to join, but he was not allowed to join duty.

4. The learned counsel for the respondent submitted that the petitioner was asked to appear before the Enquiry Officer and the petitioner appeared before the Enquiry Officer with medical certificate. However, the Enquiry Officer submitted a report by stating that the charges against the petitioner have been proved. However, due to the pendency of this Writ Petition, the final orders were not passed.



W.P.No.12483 of 2020

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5. The petitioner has not stated that the Enquiry Officer has been appointed and at the conclusion of the enquiry, the charges against him was proved. In fact, after conclusion of the enquiry, the matter is pending with the respondent for passing final orders. The petitioner without challenging the proceedings initiated against him, has simply filed this Writ Petition seeking direction for reinstatement.

6. Since the petitioner has filed this Petition in a pre-matured manner even before the respondent passed any orders basing upon the enquiry report, the petitioner is given with liberty to challenge the orders that might be passed by the respondent in pursuance to the enquiry already conducted.

7. However, the learned counsel for the petitioner submitted that the enquiry has not been conducted and no action has been taken as submitted by the learned counsel for the respondent.



W.P.No.12483 of 2020

WEB COPY

8. If that being the case, the petitioner is at liberty to file appropriate appeal proceedings by challenging the alleged enquiry on the ground that the principles of natural justice was not complied.

9. With these observations this Writ Petition is disposed. the petitioner is at liberty to file appropriate appeal proceedings by challenging the alleged enquiry on the ground that the principles of natural justice was not complied. No costs.

01.12.2023

Index : Yes

Internet : Yes/No

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W.P.No.12483 of 2020

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W.P.No.12483 of 2020

R.N.MANJULA, J.

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W.P.No.12483 of 2020

01.12.2023