



WEB COPY



W.P.No.23039 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.23039 of 2023

S.Govindaraj

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head Office,
Chennai – 10.

2.The Joint Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head Office,
Chennai – 10.

3.The District Collector,
Thiruvarur District,
Thiruvarur.

4.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thiruvarur Region,
Thiruvarur.

5.The Deputy Manager,
Regional Office,
Mannarkudi.

6.The Superintendent,
Regional Office,
Mannarkudi.

... Respondents



W.P.No.23039 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to call for the records of the 4th respondent proceedings to quash the part of impugned order in P3 / 1702 / 2019 dated 28.02.2019 and consequently to direct the 4th respondent to consider the petitioner's representations dated 31.01.2023, 30.03.2023.

For Petitioner : Mr.K.Mageshwaran
For R1, R2, : Mr.C.Selvaraj
R4 to R6 Panel Advocate
For R3 : Mr.S.Prabharakan
Government Advocate

ORDER

This writ petition has been filed challenging the order of the 4th respondent, dated 28.02.2019, relieving the petitioner from service, on the basis of a complaint registered by the Vigilance and Anti-Corruption Department.

2.It is the case of the petitioner that, while he was working as Seasonal Catalog Clerk in the respondent Corporation, a criminal case came to be registered against him, pursuant to which, the 4th respondent has passed the impugned order, dated 28.02.2019, relieving the petitioner



W.P.No.23039 of 2023

from his job. Though the petitioner submitted his representations on 31.01.2023 and 30.03.2023 seeking reinstatement, the same have not been considered. Hence, the present writ petition.

3.Heard the learned counsel for the petitioner, Mr.C.Selvaraj, learned Panel Advocate, who takes notice for the respondents 1, 2, 4 to 6 and Mr.S.Prabhakaran, learned Government Advocate, who takes notice for the 3rd respondent.

4.It is brought to the notice of this Court that the petitioner is not a permanent employee, which fact has not been disputed by the learned counsel for the petitioner. The fact remains that the petitioner has been arrested pursuant to the criminal case registered by the Vigilance and Anti-Corruption Department for the alleged demand of amount from the farmers. Pursuant to his arrest, the petitioner has been relieved from his job, vide the impugned order. It is now stated by the learned counsel for the respondents that the Vigilance and Anti-Corruption Department has proceeded with the case and final report has also been filed now. Admittedly, the petitioner is not a permanent employee of the Corporation and further, he has not been placed under suspension, but has been totally



W.P.No.23039 of 2023

relieved from the job. Since the petitioner was working only as a seasonal employee and not a permanent employee of the Corporation, he cannot seek reinstatement or appointment as a matter of right. Further, it is relevant to note that the criminal case is still pending. In such view of the matter, at this stage, even a direction to the respondents to consider the representation of the petitioner, will not serve any purpose. Therefore, this Court is not inclined to pass any positive orders at this stage. However, in the event of the trial Court finding the petitioner not guilty of the offences, the respondents may consider giving a job to the petitioner as a seasonal employee.

5. With the above observations, this writ petition is disposed of.

No costs.

04.08.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order



W.P.No.23039 of 2023

To
WEB COPY

- 1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head Office,
Chennai – 10.
- 2.The Joint Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head Office,
Chennai – 10.
- 3.The District Collector,
Thiruvarur District,
Thiruvarur.
- 4.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thiruvarur Region,
Thiruvarur.
- 5.The Deputy Manager,
Regional Office,
Mannarkudi.
- 6.The Superintendent,
Regional Office,
Mannarkudi.



WEB COPY



W.P.No.23039 of 2023

N. SATHISH KUMAR, J.

mkn

W.P.No.23039 of 2023

04.08.2023