



WEB COPY



W.A.No.1997 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.08.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN  
AND  
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.A.No.1997 of 2023  
and C.M.P.No.16952 of 2023

M.B.Ayyapparajan,  
Classi Guest House, Pycrofts street,  
Triplicane, Chennai 10

.. Appellant

Vs.

The Tamil Nadu Civil Supplies Corporation,  
represented by its Managing Director,  
Hambuswamy Road, Chennai 600 010.

.. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the  
order dated 03.04.2023 passed in W.M.P.No.10293 of 2023 in  
W.P.No.10325 of 2023 on the file of this Court.

For Appellant : Mr.S.Venkataraman

For Respondent : Mr.C.Selvaraj  
Additional Government Pleader



**JUDGMENT**

[Judgement of the Court was delivered by R.MAHADEVAN, J.]

This writ appeal has been filed by the appellant / writ petitioner challenging the order dated 03.04.2023 passed by the learned Judge in W.M.P.No.10293 of 2023 in W.P.No.10325 of 2023.

2. According to the appellant, he was appointed as Assistant Manager, by the order of the respondent dated 04.02.2011, subject to condition that he should pass the DOM test and commercial book keeping test within a period of five years for declaration of probation. Due to heavy work pressure, he was unable to pass the tests within the time stipulated, but he successfully completed the same in December, 2017, but he was allowed to continue in service. Thereafter, he submitted a representation to consider his candidature for promotion to the post of Deputy Manager. When the same was placed before the Board, it was not accorded approval. Thereafter, the respondent issued a show cause notice dated 27.05.2022 calling the appellant to explain as to why he should not be terminated from service, for not passing the tests within the prescribed time. Though the appellant



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submitted his explanation, he was terminated from service on 17.03.2023.

Challenging the said termination order passed by the respondent, he has preferred the writ petition bearing no.10325 of 2023 along with a petition in WMP.No.10293 of 2023 seeking stay of operation of the said order.

3. On 03.04.2023, when the writ petition along with stay petition was taken up for hearing, the learned counsel for the respondent, on instructions, submitted that the appellant has already been terminated from service pursuant to the termination order issued by the respondent. In view of the same, the learned Judge dismissed the stay petition. Aggrieved by the same, the appellant / writ petitioner has preferred the present appeal before this court.

4. This court is of the view that since the termination order, which was challenged in the writ petition, was already given effect to, the question of stay of operation of the said order, does not arise. Hence, there is no reason to interfere with the order of the learned Judge, in dismissing the stay petition.



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5. At this juncture, the learned counsel for the appellant prayed for a direction to dispose of the main writ petition as early as possible, as the appellant has been thrown to street unemployed and facing many difficulties to make a living.

6. Taking note of the submission made by the learned counsel for the respondent, the learned Single Judge, who holds the portfolio as per the roster, is requested to take up the main writ petition in W.P.No.10325 of 2023 for final hearing and dispose of the same, on merits and in accordance with law as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this judgment. The hearing of the writ petition may commence on 16.08.2023.

7. The writ appeal is accordingly, disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [M.S.Q., J.]  
03.08.2023

Index: Yes / No  
Speaking order/ Non-speaking order  
Neutral Citation: Yes / No  
nsd



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To

The Managing Director,  
Tamil Nadu Civil Supplies Corporation,  
Hambuswamy Road, Chennai 600 010.



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