



W.P.No.34813 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.01.2023

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.34813 of 2022 and W.M.P.No.34241 of 2022

J.Andavar

... Petitioner

Vs.

1. The Managing Director,
TASMAC,
Egmore,
Chennai – 600 008.

2. The Senior Regional Manager,
TASMAC,
Coimbatore.

3. The District Manager / Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd (TASMAC)
Erode District, Erode.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 3rd respondent in his proceeding vide Na.Ka.847/2019/R1, dated 14.10.2019 and consequential order passed by the 2nd respondent in his proceedings vide Na.Ka.No.459/2019/m1, dated 29.08.2022 and quash the same and



W.P.No.34813 of 2022

consequently direct the respondents to reinstate the petitioner in service with all other attendant benefits.

For Petitioner : Mr.A.K.Manojkumar

For Respondents : Mr.M.Sekar,
Standing counsel for TASMAC

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.Challenging the impugned proceedings vide Na.Ka.847/2019/R1, dated 14.10.2019 issued by the third respondent and the consequential proceedings vide Na.Ka.No.459/2019/m1, dated 29.08.2022 issued by the second respondent and seeking a direction to be issued to the respondents to re-instate the petitioner in service with all other attendant benefits, this writ petition has been filed.

3.The petitioner has challenged the impugned orders dated 14.10.2019 and 29.08.2022 passed by the respondents 3 and 2 respectively. The petitioner has been dismissed from service under the impugned orders.



W.P.No.34813 of 2022

Aggrieved by the same, the petitioner had already filed a Revision Petition on 15.09.2022 before the first respondent, which is pending consideration.

4. Heard Mr.A.K.Manojkumar, learned counsel for the petitioner and Mr.M.Sekar, learned Standing Counsel, who accepts notice on behalf of the respondents/TASMAC.

5. Learned counsel for the petitioner would now submit on instructions that the petitioner will be satisfied if a direction is issued to the first respondent to pass final orders, on merits and in accordance with law, after giving due consideration to the judgments relied upon by the petitioner in this writ petition. The judgments relied upon are as follows:

1) A Division Bench judgment of the Kerala High Court reported in **2005 (4) KLT 1034** in the case of **Ibrahim Kannu vs. State of Kerala**;

2) A Division Bench judgment of this Court reported in **2019 (1) LLN 232 (DB) (Mad)** in the case of **V.Paramasivam vs. II Additional Labour Court, Chennai and others**;

6. It is for the first respondent to decide as to whether the aforesaid



W.P.No.34813 of 2022

judgments are applicable to the case of the petitioner or not.

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7.No prejudice would be caused to the respondents if a direction is issued to the first respondent to pass final orders, on merits and in accordance with law on the Revision Petition dated 15.09.2022 filed by the petitioner, within a time frame to be fixed by this Court, after giving due consideration to the aforementioned judgments relied upon by the petitioner.

8.For the foregoing reasons, this writ petition is disposed of by directing the first respondent to pass final orders, on merits and in accordance with law on the petitioner's Revision Petition dated 15.09.2022, after giving due consideration to the aforementioned judgments relied upon by the petitioner, within a period of six weeks from the date of receipt of a

copy of this order. Consequently, W.M.P. No.34241 of 2022 stands closed.

No costs.



W.P.No.34813 of 2022

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02.01.2023

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Index:Yes/No

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W.P.No.34813 of 2022

ABDUL QUDDHOSE, J

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W.P.No.34813 of 2022 and W.M.P.No.34241 of 2022

02.01.2023