



W.P.No.28107 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.28107 of 2017
and W.M.P.No.30199 of 2017

M.S.Sekar

... Petitioner

Vs

The District manager,
Tamil Nadu State Marketing
Corporation Limited [TASMAC],
No.29 & 30, SIDCO Industrial Estate,
Kakalur, Tiruvallore Region,
Tiruvellore District.

... Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to in Say.Mu.Ka.No.1315/2011/A2 on the file of the respondent and quash the order dated 23.10.2017 dismissing the petitioner from service.

For Petitioner : Mr.R.Sidharthan

For Respondent : Mr.K.Balakrishnan
Standing Counsel



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ORDER

Though the writ petitioner has approached this Court seeking issuance of writ of Certiorari to quash the impugned order dated 23.10.2017, it is admitted that the petitioner has also filed a statutory appeal. However, according to the learned counsel for the petitioner the appeal was never heard and according to him, the appeal proceedings have been given a go-by.

2.Per contra, the learned Standing Counsel appearing for the respondent would submit that the appeal is very much alive and after filing the appeal, the petitioner has chosen to institute the present writ petition. It is also seen from the counter that notice of enquiry in the appeal was sent on 07.11.2017 calling upon the petitioner to appear on 15.11.2017. However, the petitioner did not appear for enquiry and instead he has approached this Court by way of the present writ petition. However, the learned counsel for the petitioner states that he has approached this Court first and only thereafter, he has chosen to prefer the appeal.



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3.Be that as it may, admittedly the petitioner has preferred an appeal against the impugned order. Even if the said appeal is not taken up for all these years when the petitioner himself has chosen to invoke the remedy available to him under the statute, it would be just and proper to direct the said appeal to be disposed of on merits after giving a fair opportunity to the writ petitioner of being heard. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. The appeal proceedings shall be decided as per law and independently and without being prejudiced by any of the observations or proceedings that have taken place pending this writ petition and culminating in this order.

4.With the above direction, the writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

12.06.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
cse



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P.B.BALAJI, J.

cse

To

The District manager,
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Corporation Limited [TASMAC],
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