



W.P.(MD).No.25821 of 2022

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 14.09.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.25821 of 2022**

P.Balasubramanian

... Petitioner

Vs.

1.The Managing Director,  
Tamil Nadu State Marketing Corporation (TASMAC),  
4<sup>th</sup> Floor, CMDA Tower-2,  
Egmore, Chennai-600 008.

2.The Senior Regional Manager,  
Tamil Nadu State Marketing Corporation (TASMAC),  
No.100, Annanagar,  
Madurai-625 020.

3.The District Manager,  
Tamil Nadu State Marketing Corporation (TASMAC),  
Madurai (North),  
Madurai.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner to the post of salesmen in any one of the TASMAC Shop under the control of respondents in pursuant to the proceedings passed by the 3<sup>rd</sup> respondent in her proceedings in ந.க.எண்.1713 / 15 / H, dated 09.05.2016 with all consequential benefits and continuity of service by



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considering the petitioner's representations, dated 16.02.2021 and 10.10.2022 within a period stipulated time by this Court.

For Petitioner : Mr.Rathi Sathish

For Respondents : Mr.H.Arumugam  
Standing Counsel

### **ORDER**

The present writ petition has been filed seeking direction to the respondents to reinstate the petitioner to the post of salesmen in any one of the TASMAL Shop under the control of respondents in pursuant to the proceedings passed by the 3<sup>rd</sup> respondent in her proceedings in ந.க.எண்.1713 / 15 / H, dated 09.05.2016 with all consequential benefits and continuity of service by considering the petitioner's representations, dated 16.02.2021 and 10.10.2022 within a period stipulated time by this Court.

2. The petitioner was appointed as Salesman in TASMAL in the year 2003. In 2007, he was implicated in a criminal case registered in Crime No.17 of 2007 by Vickramangalam Police Station, Madurai, in which the petitioner was arrayed as accused no.5. The same was culminated in conviction by the learned 5<sup>th</sup> Additional Sessions Judge, Madurai on 19.07.2021. As a result of



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which, the petitioner was remanded to judicial custody and he was not able to continue his service. In furtherance to the same, on 19.07.2021, he was placed under suspension and that order was not served upon the petitioner. In the meanwhile, the petitioner preferred a criminal appeal and the same was ended in acquittal in Criminal Appeal No.157 of 2012 by this Court on 14.10.2015.

3. Subsequent to the order of acquittal from the criminal case, the petitioner approached the respondent in person and sought to reinstate him back in service. In the meanwhile, the 3<sup>rd</sup> respondent served charge memo and sought for petitioner's explanation. The petitioner submitted his explanation and the enquiry officer submitted his report on 26.03.2016 on the basis of which, on 09.04.2016, the final order was passed by the 3<sup>rd</sup> respondent directing the petitioner to pay the amount of Rs.5,000/- as penalty amount. The petitioner duly paid the said penalty amount and thereafter, submitted a representation to the 3<sup>rd</sup> respondent seeking to provide him with employment, for which the 3<sup>rd</sup> respondent vide proceedings, dated 09.05.2016 recommended the case of the petitioner to the 2<sup>nd</sup> respondent with request to consider the petitioner's representation. The 3<sup>rd</sup> respondent specifically made a recommendation on 09.05.2016 insisting the reinstatement of the petitioner. Since no steps have



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been taken, the petitioner made several representations and the last of which were preferred on 16.02.2021 and 10.10.2022. However, no action was taken on those representations.

4. Despite having given adjournments at the request of the respondents on 14.07.2023, 19.07.2023, 02.08.2023, 23.08.2023 and 31.08.2023 for filing counter, so far the same is not filed and even today, the learned counsel for the respondents sought time for filing counter. In view of the several opportunities given to the respondents, this Court is not inclined to further grant any more time for filing counter.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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6. Without going into the merits of the case, this Court direct the 2<sup>nd</sup> respondent to consider the representations of the petitioner, dated 16.02.2021 and 10.10.2022 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.

**14.09.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
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To

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**L.VICTORIA GOWRI, J.**

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