



W.P.No.27123 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: **28.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.27123 of 2011

B.Halan

....Petitioner

Vs

The District Manager,
Tamil Nadu State Marketing
Corporation Ltd (TASMAC)
Coimbatore Division, Coimbatore,
Tamilnadu

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records of the respondent in relating to the impugned order Na.Ka.No.1151/07 R.V.1 dated 26.12.2007 and quash the same, consequently direct the respondent to reinstate the petitioner in service as Salesman in the TASMAC, at Coimbatore Division, with continuity of service, back wages and all attendant benefits.

For Petitioner : M/s.P.R.Thiruneelakandan

For Respondent : M/s.K.Sathishkumar
Standing Counsel for TASMAC



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ORDER

The Writ Petition has been filed to call for the records of the respondent in relating to the impugned order Na.Ka.No.1151/07 R.V.1 dated 26.12.2007 and quash the same, consequently direct the respondent to reinstate the petitioner in service as Salesman in the TASMAC, at Coimbatore Division, with continuity of service, back wages and all attendant benefits.

2. The case of the petitioner is that, he was appointed as Salesman in the TASMAC Shop No.2220 at Coimbatore Division. Later, he was transferred to Shop No.1724 at Valandipalayam. While he was working as Salesman in Valandipalayam, he met with a road accident while traveling in a bus bearing Reg.No.TN 43, 0367 on 31.05.2006. He was admitted in the Government Hospital at Ooty and took treatment as In-patient from 31.05.2006 to 06.06.2006. Thereafter, he was discharged and he was advised by the Doctor to take bed rest and it was informed to the Shop Supervisor. Meanwhile, Assistant Manager, TASMAC as an Enquiry Officer issued notice to the petitioner to appear before him. Accordingly,



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petitioner appeared before him and submitted his written explanation. He submitted his medical report and discharge summary. The Enquiry Officer did not conduct any enquiry and not considered his explanation and documents produced by him. Ultimately, he was terminated from service vide impugned order Na.Ka.No.1151/07 R.V.1 dated 26.12.2007.

3. The learned counsel for the petitioner submitted that, petitioner met with an accident and he was not well for more than two years and that was the reason why he was not able to attend the work. He was also mentally not sound during that period.

4. In response, the learned counsel for the respondent submitted that, petitioner deliberately remained absent for more than two years. Proper enquiry was conducted for his unauthorized absent. Finding that petitioner remained unauthorizedly absent without valid reason, petitioner was terminated from service. He further submitted that, petitioner approached this Court after four years from the date of dismissal. Thus, he prays for dismissal of this petition.



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5. Considered the rival submissions and perused the records. It is seen from the records that, petitioner remained absent from 31.05.2005 till his date of termination from service on 26.12.2007. The period of unauthorized absence from July 2005 till his date of termination cannot be appreciated and cannot be condoned. As rightly pointed out by the learned counsel for the respondent that petitioner had not agitated against his termination from service immediately after the order was communicated to him. This Writ Petition was filed four years later. He was terminated after a proper enquiry. Therefore, this Court finds no illegality or irregularity in the conduct of enquiry and the punishment imposing termination from service. There is no merits in this petition.

6. Accordingly, this Writ Petition is dismissed. No costs.

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Index :Yes/No

Internet:Yes/No

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To

The District Manager,
Tamil Nadu State Marketing
Corporation Ltd (TASMAC)
Coimbatore Division, Coimbatore,
Tamilnadu



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G.CHANDRASEKHARAN, J

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