



W.P.No.15197/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.15197 of 2021
and W.M.P.No.16099 of 2021

M.Arulselvam

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Petitioner

/vs/

1. The Chief Security Officer,
Tamil Nadu Ex-Servicemen's
Corporation Limited (TEXCO)
Project No.1772
Chennai Petroleum Corporation Ltd.
Cauvery Basin Refinery (CBR),
Panangudi, Nagapattinam – 611 002.
2. The Assistant Manager,
TAXCO Branch Office,
Thanjavur.
3. The Chief Manager,
Chennai Petroleum Corporation Ltd.,
(Cauvery Basin Refinery),
Panangudi,
Nagapattinam – 611 002.
4. The General Manager,
Tamil Nadu Ex-Servicemen's
Corporation Limited (TEXCO)



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(A Government of Tamil Nadu Undertaking)
Major Parameswaran Memorial Building,
No.2 West Mada Street,
Srinagar Colony,
Saidapet,
Chennai – 600 015.

5. The Regional Labour Commissioner (Central),
O/o. Deputy Chief Labour Commissioner (Central),
No.26, A-Wing, 5th Floor,
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai – 600 006.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 4 to reinstate or re-employ the petitioner in Chennai Petroleum Corporation Ltd. (Cauvery Basin Refinery), Panangudi, Nagapattinam – 611 002 as per the contract / agreement dated 04.07.2018.

For Petitioner ... Ms.R.Rebecca Vasanthini Percy
Legal-Aid Counsel

For Respondents ... No appearance



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ORDER

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The petitioner has filed this writ petition seeking direction to the respondents 1 to 4 to reinstate him in Chennai Petroleum Corporation Ltd. as per contract / agreement dated 04.07.2018.

2. No representation for the respondents.

3. The petitioner was deployed as a Security Guard at Chennai Petroleum Corporation Ltd., Panagudi, Nagapattinam District. He is said to have availed leave on 23.08.2020 and 24.08.2020 due to illness and he further extended the leave to 25.08.2020 by giving due intimation to the first respondent and by getting his consent through mobile phone. Since he was not recovered from illness, he once again contacted the first respondent to extend the leave. However, he was directed to contact the second respondent. When the petitioner tried to contact the second respondent he did not pick up the phone and hence the petitioner informed his leave through Whatsapp and assured that he would join duty on 29.08.2020. The second respondent did not object or reject the leave



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request of the petitioner. However three days later the petitioner was served with a letter on 30.08.2020, which stated that he remained absent from 01.08.2020 to 04.08.2020 and 23.08.2020 to 26.08.2020. Despite the petitioner was attending duty on 29.08.2020, he was not allowed to join.

4. Ms.R.Rebecca Vasanthini Percy, the learned Legal-Aid Counsel for the petitioner, submitted that the petitioner has given a representation on 16.09.2020 and 05.10.2020 to the 5th respondent to consider him for reinstatement; in fact the representation sent on 05.10.2020 has been redirected to the respondents 3 and 4 with a request to consider the petitioner's request; so far the same has not been considered.

5. Considering the facts and circumstances of the case, I feel the third respondent should be directed to dispose the representation of the petitioner and pass orders.



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6. Accordingly, this Writ Petition is disposed with a direction to the

third respondent to consider the petitioner's representation dated 16.09.2020 and pass orders on its merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

12.02.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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To:

The Chief Manager,
Chennai Petroleum Corporation Ltd.,
(Cauvery Basin Refinery),
Panangudi,
Nagapattinam – 611 002.



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R.N.MANJULA ,J.

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