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W.P.No.7435 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27/2/2025

C O R A M

The Hon'ble **Ms.JUSTICE BHAVANI SUBBAROYAN**

Writ Petition No.7435 of 2023

M. Velayudham

...

Petitioner

Vs

1. The Chairman-cum-Managing Director
Tamil Nadu Warehousing Corporation
No.82 Anna Salai
Guindy
Chennai 600 032.

2. The Managing Director
Head Office
Tamil Nadu Warehousing Corporation
No.82 Anna Salai
Guindy
Chennai 600 032.

3. The Senior Zonal Manager
O/o Senior Zonal Manager Office
No.17 Reddypettai Road
Hudsunpettai
Kancheepuram.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to direct the first respondent



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to pass orders on the appeal dated 5/5/2022 by setting aside the order dated 22/4/2022 in Proceedings in Na.Ka.No.1521/2020/E4 passed by the second respondent.

For petitioner	...	Ms.S.Sivaranjani for Mr.G.Justin
For respondents	...	Ms.M.Ramya

ORDER

This writ petition has been filed to direct the first respondent to pass order on the appeal dated 5/5/2022 by setting aside the order dated 22/4/2022 in Proceedings in Na.Ka.No.1521/2020/E4 passed by the second respondent.

2. Brief facts which are necessary for the disposal of the writ petition are as follows:-

The petitioner was appointed as Part Time Sweeper in Madurantagam Warehouse with effect from 17/2/1987 on 27/1/1988. From the date of joining, till the date of termination, even though, the petitioner was



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continuously working without any break, his service was not regularised by the second and third respondents. Hence, requested the second and third respondents to regularise his service. The second respondent, without issuing the show cause notice, terminated the petitioner from service, by an order dated 21/4/2022 and the same was informed by the third respondent to the petitioner on 22/4/2022, but the copy of the order was not served on the petitioner till date.

3. First respondent, in his order dated 22/4/2022, stated that the petitioner was absent from duty from 27/8/2020 to 7/9/2020 for a period of 11 days and during the said period, rice bags were missing from godown. Without issuing charge sheet, the petitioner was called for an enquiry along with other employees, who are all involved in the case. At the time of oral enquiry, the petitioner gave a detailed explanation, but the same was not accepted. Therefore, the second respondent had issued termination order through third respondent by an order dated 21/4/2022.

4. Thereafter, the petitioner made an appeal to the first respondent on 5/5/2022, against the order of the second respondent, but the first



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respondent did not pass any order on the appeal. Being aggrieved, the petitioner has come forward with the instant writ petition praying for the relief as stated therein.

5. Heard Ms.S.Sivaranjani, learned counsel for the petitioner and Ms.M.Ramya, learned counsel for the respondents.

6. The learned counsel appearing for the petitioner would submit that at the time of incident, petitioner was absent from duty for eleven days and the same was admitted in the order dated 22/4/2022 itself. Hence, termination of the petitioner is not valid in the eye of law.

7. The learned counsel appearing for the respondents by producing a letter dated 10/7/2023 made in Na.Ka.No.1521/2020/E4 of the second respondent submitted that the petitioner was only a part time employee and when the petitioner not being a permanent worker, appeal filed by the petitioner cannot be taken into consideration. Moreover, the petitioner was relieved from service on 22/4/2022.



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8. Recording the submission of the learned counsel appearing for the respondents, this writ petition is disposed of. Liberty is granted to the petitioner to challenge letter No.Na.Ka.1521/2020/E4 dated 10/7/2023 of the Tamil Nadu Warehousing Corporation, in the manner known to law. No costs.

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mvs.

Index: Yes/No

Neutral Citation: Yes/No

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