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W.P.No.39594 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.39594 of 2015

and

M.P.No.1 of 2015

R.Ganesan

... Petitioner

Vs.

1. The Senior Regional Manager,
TASMAC, Coimbatore.

2. The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records which culminated in issuing the proceedings in Na.Ka.813/R.1/2013 dated 10.08.2015 on the file of the second respondent, which was confirmed in the proceedings in Na.Ka.961/2015/A1 dated 07.10.2015 on the file of the first respondent to quash both the orders and consequently direct the respondents to reinstate the petitioner in service as Salesman in any one of the TASMAC shops under the control of the second respondent with all consequential service and monetary benefits within a time limit that may be specified by this Court.



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For Petitioner : Mr.T.Dharani
for Mr.M.C.Govindan

For Respondents : Mr.M.Sekar,
Standing Counsel

ORDER

The present Writ Petition has been filed challenging the impugned order dated 10.08.2015 passed by the second respondent, which was subsequently confirmed by the first respondent by order dated 07.10.2015.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The learned counsel for the petitioner would submit that the petitioner was suffering from jaundice. On account of which he was unable to report for duty from 18.10.2010. It is further submitted that though he had taken treatment, the same being native treatment, no documentary proof is available. After recovery, the petitioner had submitted a letter to the disciplinary authority on 02.01.2011, within a period of 72 days from the date of his unauthorised absence. However, without properly considering his explanation, the respondents initiated disciplinary proceedings and did not



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afford sufficient opportunity to the petitioner. Hence, the findings of the disciplinary authority, as confirmed by the appellate authority, are contrary to law and liable to be interfered with.

4.Per contra, the learned Standing Counsel appearing for the respondents would stoutly oppose the said contention and submit that the petitioner has an effective alternative remedy by way of appeal before the Managing Director, TASMAC, Chennai, and therefore, the writ petition is not maintainable. It is further submitted that the petitioner was dismissed from service only upon proof of the charges, as he remained unauthorisedly absent from December 2010 and approached the authorities only after a period of two years. It is contended that interference in such matters would erode the discipline of the Corporation. Hence, he prayed for dismissal of the writ petition.

5.I have given my anxious consideration to the either side submissions.

6.A perusal of the impugned order reveals that it is an admitted fact that the petitioner remained unauthorisedly absent from December 2010. The specific case of the petitioner is that such absence was due to his suffering



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from jaundice. However, as rightly contended by the learned Standing Counsel, no medical records or acceptable proof were produced before the Enquiry Officer. The impugned order also indicates that the petitioner himself had admitted his unauthorised absence and had submitted a representation only after a lapse of two years.

7.It is a well-settled principle of law that mere unauthorised absence by itself is sufficient to initiate disciplinary proceedings against an employee and it is not always necessary that such absence should be willful. In the case on hand, admittedly, the petitioner remained unauthorisedly absent for a period of two years and the only ground put forth by him is that he was suffering from an ailment, namely jaundice. However, no records whatsoever have been produced before the authorities concerned to substantiate the same. The Enquiry Officer, based on the materials available on record, has arrived at a conclusion that the charge stood proved.

8.Though the learned counsel for the petitioner would vehemently contend that the findings are erroneous, this Court does not find any perversity in the conclusions arrived at by the authorities. It is trite law that unless the findings of the disciplinary authority are perverse or arbitrary, this



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Court, in exercise of its power of judicial review, would not ordinarily interfere. Having regard to the prolonged period of unauthorised absence, this Court also does not find the punishment of dismissal to be disproportionate.

9.At this juncture, the learned counsel for the petitioner would request this Court to modify the punishment. However, considering the facts and circumstances and also the long pendency of the writ petition, this Court is not inclined to accede to the said request.

10.In view of the above, this Court finds no merit in the present Writ Petition. Accordingly, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

05.02.2026

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Index : Yes
Speaking order
Neutral Citation : Yes

To

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C.KUMARAPPAN, J.

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