



WEB COPY

WP No. 2189 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**WP No. 2189 of 2017
and WMP Nos.2163 of 2017**

M.Sivakumar

..Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Ltd,
Thukar Towers, 6th Floor, No.34 (123),
Marshales Salai, Egmore, Chennai- 600 008.
2. The General Manager,
Tamil Nadu Arasu Cable TV Corporation Ltd,
No.11/22, Mangadusami Street,
Nungambakkam, Chennai-600031.
3. The Deputy General Manager /
Special Thasildar,
Tamil Nadu Arasu Cable TV Corporation Ltd,
Office of the Collectorate, Salem- 636 001.
4. Peri Software Solutions Pvt Ltd,
Rep by its Manager, Old No.30, New No.4,
45 Street, 9th Avenue, Ashok Nagar,
Chennai, Tamil Nadu- 600 083.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for an issuance of writ of Certiorarified Mandamus, calling for the record pertaining to the order passed by the first respondent in Letter No.D3/5134/2015 dated 01.07.2015 and quash the same and consequentially direction directing the third respondent to permit the petitioner to attend the work and



sign the attendance register by considering representation dated 28.11.2016 and 15.12.2016 and pass such further or other orders.

For Petitioner:

Mr.J.Manikandan
assisted by Mr.R.Marudhachalamurthy

For Respondents:

Mr.David Sundar Singh for R1
Mr.S.Senthil Murugan
Special Government Pleader for R2 & R3

ORDER

+ This writ petition is filed to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 01.07.2015, to quash the same and consequently to direct the third respondent to permit the petitioner to attend work and sign the attendance register by considering their representations dated 28.11.2016 and 15.12.2016.

2. Upon hearing the learned counsel appearing for the petitioner, the case of the petitioner is that the petitioner was appointed only by the first respondent, namely, the Tamil Nadu Arasu Cable TV Corporation Limited. Merely because they entered into a memorandum of understanding with a private company, the fourth respondent, they are terming the petitioner as an employee of the fourth respondent and accordingly the petitioner was relieved from service in the year 2016. When the petitioner earlier made representations and filed a petition, pending the writ petition, the respondent passed the impugned order, based on which the earlier writ petition was disposed of with liberty to the petitioner to



agitate the final orders passed on their representation. Accordingly, the present writ petition is filed.

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3. When the matter came up for hearing, the learned counsel appearing on behalf of the first respondent corporation sought time to file a counter in the matter. It can be seen that this writ petition is of the year 2017. Now, we are in the year 2026 and no counter has been filed all along. The matter also came up before this Court for hearing on 16.12.2024 and was adjourned to 03.02.2025. Thereafter, once again the matter came up for hearing before another learned Judge on 25.04.2025 and both sides' counsel were not ready and sought adjournment and the matter was posted to 02.06.2025. Thereafter, the matter came up for hearing before this Court on 07.01.2026 and was adjourned to 22.01.2026. When the matter came up for hearing today also, time is sought for filing a counter. No further time can be given in view of the above.

4. Upon hearing the learned counsel for the petitioner, the learned counsel relies upon two documents, namely, a communication dated 17.09.2012 and a communication dated 23.09.2014, in which the deduction of professional tax is ordered even with reference to the petitioner.

5. In the said communications, the petitioner is described as an employee



of the first respondent. On perusal of the circular of the second respondent dated 12.09.2012, the circular reads that in respect of all employees, professional tax is being remitted, which is also coupled with the attendance register produced by the petitioner. The learned counsel for the petitioner argues that the petitioner is only an employee of the first respondent.

6. In view of the averments made in the affidavit and the aforesaid documents relied upon by the petitioner, coupled with the fact that the writ petition is not resisted by the first respondent corporation by filing any counter, the writ petition is ***allowed*** on the following terms:

(i) Within eight weeks from the date of receipt of a copy of this order, without waiting for the certified copy, the petitioner shall be reinstated into service; however, the petitioner shall not be entitled to any back wages.

(ii) After reinstatement, the claim of the petitioner to be regularised in service shall be considered by treating the petitioner as an employee of the first respondent corporation, on par with other employees of the first respondent corporation.

(iii) Consequently, connected miscellaneous petition is closed. No costs.

27-01-2026
(2/2)

Neutral Citation: Yes/No
nsl



To

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D.BHARATHA CHAKRAVARTHY, J.

ns1

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