

(2011) 04 MAD CK 0303

In the Madras High Court

Case No : Writ Petition No. 1302 of 2011 and M.P. No. 1 of 2011

C. Arivazhagan

APPELLANT

Vs

The Managing Director and The District Manager, TASMAC

RESPONDENT

Date of Decision : 26-04-2011

Acts Referred:

Citation : (2011) 04 MAD CK 0303

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : K. Vasudevan, for the Appellant; J. Ravindran for TASMAC, for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru, J.—The Petitioner has filed the present writ petition seeking to challenge an order dated 23.11.2010 passed by the first Respondent Managing Director, TASMAC in rejecting the Petitioner's case for reinstatement. The said order came to be issued on a direction issued by this Court in a writ petition filed by the Petitioner in W.P. No. 2931 of 2010. This Court by an order dated 27.08.2010 had directed the Petitioner's representation to be considered.

2. The facts leading to filing of the writ petition are as follows:

The Petitioner was appointed as a Shop Salesman by an order, dated 18.01.2004 on temporary basis. Initially the Petitioner was directed to work in Shop No. 5784 at Ayakkaranpulam in Nagapattinam District. Subsequently, he was working in Shop No. 5612 at Mayiladuthurai. The Petitioner had applied for Teacher Training Course. Therefore realizing that he cannot get leave for such a long time, he had resigned his post on 19.3.2007. Subsequently, he had completed his Teacher Training Course. But immediately on getting his degree after two years, he did not get employment in the post of Teacher. Therefore, the Petitioner considering his family circumstances, once again had wanted to join the post of Salesman in TASMAC. When the Petitioner made a representation, his case was recommended

by the second Respondent District Manager, TASMAC to the first Respondent. The Petitioner also sent a representation to the first Respondent. When the representation was not considered, he has filed the writ petition as noted above.

3. The first Respondent had stated that there are no rules under the TASMAC providing for reemployment after a person had resigned his post. The Petitioner cannot after his resignation after 1-1/2 years come back and seek for his consolidated appointment on contract basis with the Corporation. Challenging the same, the writ petition came to be filed.

4. On notice from this Court, the Respondents have filed a counter affidavit, dated 21.3.2011. In the counter affidavit, it was indicated that if a person seeks for refund of security deposit, the same may be considered. But the question of being restored to service will not arise on account of his resignation.

5. Mr. J. Ravindran, learned Counsel for the Respondents TASMAC produced the original file. The rules and regulations for being appointed to the Retail Vending Shop was also enclosed in the file. In that rules and regulations, it was indicated that a Salesman will have to appear in the shop in all seven days and that there is no leave facility. For the days if the Salesman will not attend, his salary will be deducted in his consolidated pay. It is also stipulated that a person can be relieved from the service at any time without notice. If any one wants to leave the service, he must give 15 days notice. The Petitioner in his resignation letter had clearly stated that since he had joined the Teacher Training College, he had resigned the post. Thereafter, it was indicated that there are no rules for providing for employment after resignation.

6. In the light of the stand taken by the Respondents and in the absence of the Petitioner having any legal right, the writ petition is misconceived. Accordingly, the writ petition will stand dismissed. However there will be no order as to costs. Consequently, connected Miscellaneous petition stands closed.