

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25318 of 2015

Dr.R.Hariharan

...Petitioner

Vs.

1. The State of Tamilnadu,
Rep by the Secretary to Government,
Animal Husbandry and Fisheries Department,
Fort St.George,
Chennai-600 009.
2. The Director of Animal Husbandry (Formerly)
(Now) Director & Commissioner of Veterinary Services
DMS complex, Teynampet,
Chennai-600 006.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider his representation dated 28.02.2012 in accordance with law and equity, within a time frame fixed by this Court.

For Petitioner : Mr.L.Chandrakumar
for Mr.N.Fidelia

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that he is a Veterinary Science (BVSC) graduate and he was selected and appointed to the post of Veterinary Assistant Surgeon through Employment Exchange on 01.07.1987 under rule 10(a)(i) of the Tamilnadu State and Subordinate Service Rules on temporary basis. The petitioner would further state that in the year 1991, he has passed the Departmental

Test conducted by the respondents and he is having an excellent track record of service and he has put in more than 6 years of continuous service and also the recipient of 5 increments. Since the services of the petitioner has not been regularized, he filed an Original Application in O.A.No.4330 of 1993 before the Tamilnadu Administrative Tribunal, seeking regularization of his services with effect from the date of his initial appointment and it was admitted on 12.07.1993 and pendency of the Original Application, the petitioner was ousted from service by the second respondent on 10.08.1993, even though vacancies were more than 163 at that point of time. The Original Application filed by the petitioner before the Tamilnadu Administrative Tribunal, after abolition of the Tribunal, was transferred and renumbered on the file of this Court as W.P.No.14696/2006 and it was dismissed by this Court on 22.01.2007. It is further stated by the petitioner that the second respondent, vide letter dated 27.01.2012, called upon the petitioner for certificate verification for appointment to the post of Assistant Veterinary Surgeon under Rule 10(a)(i) of the above said Rules, but so far the respondents have not considered his appointment to the post of Assistant Veterinary Surgeon and the petitioner, in this regard, submitted a representation dated 28.02.2012 and since he has not been favoured with any response, came forward to file this writ petition.

3. Heard the submissions of Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice for the respondents.

4. This Court, taking into consideration the limited scope of prayer sought for and without going in to the merits of the same, permits the petitioner to submit one more representation to the second respondent by enclosing a copy of this order as well his earlier representation dated 28.02.2012 within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider the same and pass orders in accordance with law within a period of four weeks thereafter and communicate the decision taken to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

jvm

To

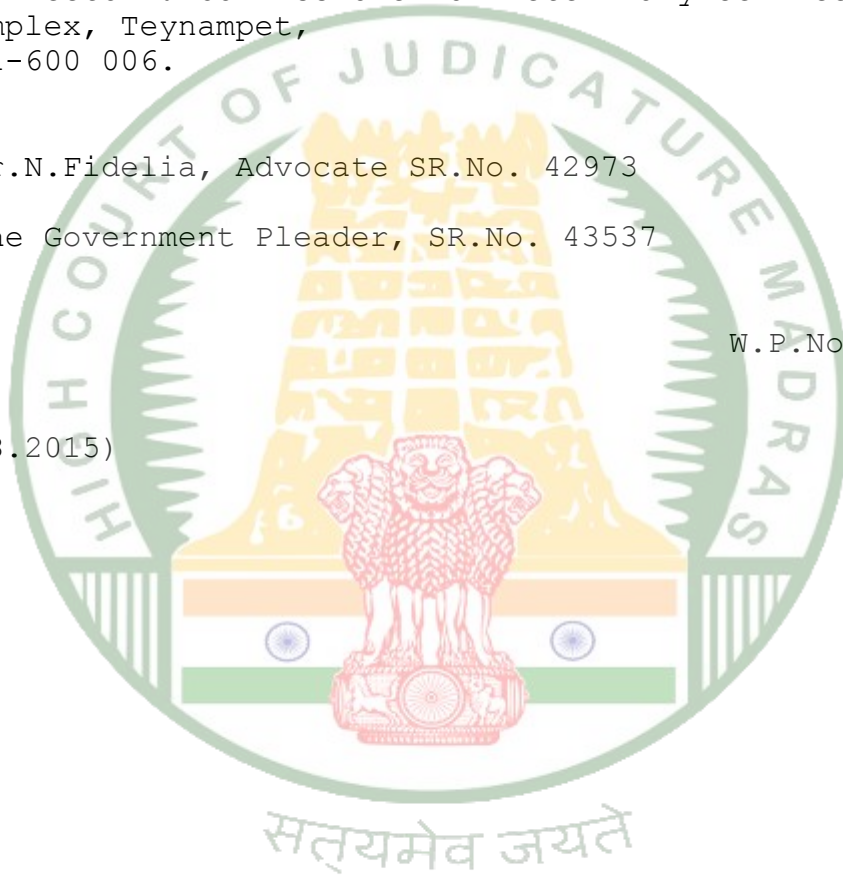
1. The Secretary to Government,
The State of Tamilnadu,
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2. The Director of Animal Husbandry (Formerly)
(Now) Director & Commissioner of Veterinary Services
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1 CC to Mr.N.Fidelia, Advocate SR.No. 42973

1 CC to the Government Pleader, SR.No. 43537

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SV (CO)
PSI (31.08.2015)



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