

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28996 of 2015

Prema

... Petitioner

Versus

1. The Director of Adi Dravidar Tribal Welfare, Ezhilagam, Chempauk, Chennai-5.
 2. The District Adi Dravidar Welfare Officer Perambalur.
 3. The Backward Class & Most Backward Class Welfare Officer, Collectorate, Trichy.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to pay the petitioner on time scale of pay for the period from 10.02.1994 when the petitioner joined as cook in the 3rd respondent department till 28.09.1998 when the 3rd respondent regularised the petitioner's service instead of having paid on consolidated sum of Rs.100/-pm., for this period in terms of G.O.Ms.No.130, AD & TW dated 12.08.2005.

For Petitioner : Mr.R.Vasudevan

For Respondents : Mr.S.Gunasekaran,
Government Advocate

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O R D E R

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

2. The petitioner, while working as a Junior Assistant, was placed under suspension on 05.05.2011 with regard to certain delinquency on his part and thereafter, the charge memo dated 15.09.2011 was issued containing two charges and the order of suspension was revoked on 20.09.2011 and the petitioner was reinstated in service. The petitioner has submitted his written statement of defence/arguments on 12.12.2011 and nearly after 3 years thereafter, an Enquiry

Officer was appointed on 07.02.2014. The grievance expressed by the petitioner is that on account of the pendency of the disciplinary proceedings, his name is not included in the panel for promotion to the next post and hence, came forward to file this writ petition.

3. Heard the learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents.

4. This Court, in view of the limited scope of prayer sought for and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to conclude the disciplinary proceedings initiated against the petitioner herein and pass final orders as expeditiously as possible and not later than ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5. The writ petition is disposed of accordingly. No costs.

AP

15.09.2015

This Petition having been posted on 20.12.2016 for being mentioned pursuant to the Order of this Court dated 15.09.2015 and made herein and made in the presence of the aforesaid Advocate, the Court made the following Order:-

Today, the above matter is posted under the caption "For Being Mentioned" at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner would submit that on receipt of the order copy, it has been noticed that though the cause title of the said writ petition has been typed correctly, the order portion varies and the same does not relate the subject matter in issue of the above writ petition and hence, prays for appropriate orders.

3. Heard Mr.S.Gunasekaran, learned Government Advcoate appearing for the respondents.

4. A perusal of the order copy furnished by the learned counsel for the petitioner would reveal that the order portion is different in its entirety though the cause title appears to be correct. Hence, in view of the aforesaid submissions, the following original order is to be replaced in the earlier order:-

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

2.The petitioner was appointed as a Cook in the Girls Hostel, Paandamangalam, on 11.02.1994, vide proceedings of the 3rd respondent dated 10.02.1994 on a consolidated pay of Rs.100/- per month and thereafter, she was conferred with a special time scale of pay by the 2nd respondent on 28.09.1998. The grievance expressed by the petitioner is that in spite of putting long years of service, her services have not been regularised and that, she is also entitled to the time scale of pay for the period between 10.02.1994 and 28.09.1998 and in this regard, she submitted a representation dated 05.03.2015 to the respondents and since no orders have been passed, she came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that in the light of G.O.Ms.130, Adi Dravidar and Tribal Welfare Department dated 12.08.2005, the petitioner is entitled to for regularisation and prays for appropriate orders.

4. Heard the submissions of Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents.

5. Though the petitioner has sought for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 05.03.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. The writ petition is disposed of accordingly. No costs. "

5. It is made clear that the 3rd respondent shall consider the representation of the petitioner dated 05.03.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this new order and communicate the decision taken to the petitioner.

6. The Registry is directed to carry out necessary corrections and re-issue fresh order copy forthwith on payment of necessary charges.

20.12.2016

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Director of Adi Dravidar Tribal Welfare, Ezhilagam, Chepauk, Chennai-5.
2. The District Adi Dravidar Welfare Officer Perambalur.
3. The Backward Class & Most Backward Class Welfare Officer, Collectorate, Trichy.

+1cc to Mr.R.Vasudevan, Advocate, S.R.No.74140

W.P.No.28996 of 2015

NMI (CO)
CA(25/01/2017)

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