

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29939 of 2015

A.Sureshkumar

.. Petitioner

Vs.

- 1 The Chief Engineer (Personnel)
Tamilnadu General and Distribution
Corporation, Chennai - 600 002
- 2 The Superintending Engineer
Electricity Distribution Circle,
Tamilnadu General and Distribution
Corporation Mettur Dam-1
Salem District
- 3 The Executive Engineer
Operation & Distribution Tamilnadu General
and Distribution Corporation,
Mettur Dam-1, Salem District
- 4 The Assistant Engineer
Tamilnadu General and Distribution
Corporation Rural Kolathur,
Mettur Taluk, Salem District

.. Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent herein to permit the petitioner to joint duty as Assessor Grade II as per his order in Memo No.904/Adm.1(3)/ F Assessor/2010 dated 19.6.2010 of the 2nd respondent by considering the petitioner representation dated 28.05.2015 within a time limit fixed by this Honourable court.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.P.R.Dhilip Kumar

O R D E R

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

2. The petitioner was appointed as Assessor, Grade - II by the second respondent vide proceedings dated 19.06.2010 and was posted in the office of the fourth respondent, however posting order could not be served for the reason that the petitioner was suffering due to some illness and undergoing Ayurvedic treatment between 13.08.2008 and 04.07.2010 and after the treatment was over, the petitioner has submitted a representation dated 05.07.2010 to the second respondent to join duty along with certificate of fitness and however, he was not permitted to join duty and subsequently, he also made representations dated 25.07.2010, 12.08.2010 and 20.09.2010 and no response was forthcoming.

3. The petitioner subsequently got selected and appointed as Driver in the services of the Tamil Nadu State Transport Corporation on 06.10.2010 and also joined duty on 07.10.2010 and since he developed back pain, he is unable to discharge his duty as a Driver and therefore, he prays for appropriate orders permitting him to join duty as Assessor Grade II in the office of the fourth respondent and in this regard, has also submitted a representation dated 28.05.2010 and since no orders have been passed, came forward to file this writ petition.

4. Heard the submissions of Mr.P.R.Dhilip Kumar, learned counsel who accepts notice on behalf of the respondents and would submit that though the petitioner was offered with employment as early as in the year 2010, he did not join duty within the stipulated time and therefore, at this distant point of time, it is not open to the petitioner to pray for appropriate orders permitting him to join duty as a fresh entrant and would further submit that, if the petitioner is really aggrieved by the fact that on account of his back pain he is unable to discharge his duties as Driver in the services of the Tamil Nadu State Transport Corporation, it is always open to him to submit application in terms of Section 47 of The Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and hence prays for dismissal of the writ petition.

5. This Court heard the rival submissions and also perused the materials placed before it.

6. Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the second respondent to consider and dispose of the petitioner's representation dated 28.05.2010 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

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Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Chief Engineer (Personnel)
Tamilnadu General and Distribution
Corporation Chennai-2
- 2 The Superintending Engineer
Electricity Distribution Circle Tamilnadu
General and Distribution Corporation,
Mettur Dam-1, Salem District
- 3 The Executive Engineer
Operation & Distribution Tamilnadu General
and Distribution Corporation,
Mettur Dam-1, Salem District
- 4 The Assistant Engineer
Tamilnadu General and Distribution
Corporation Rural Kolathur,
Mettur Taluk, Salem District

+1 C.C. To Mr.R.Thamarai Selvan, Advocate in SR.NO.51931

+1 C.C. To MR.P.R.Dhilipkumar, Advocate in SR.NO.51924

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RSK(CO)

sd : 14/10/2015