

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.30058 of 2015

G.Dakshinamurthy

... Petitioner

-Vs-

1.The Additional Chief Secretary
to Government of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai - 600 009.

2.The Director,
The Tamil Nadu Motor Vehicle
Maintenance Department,
Government Central Automobile
Workshop Compound,
Vellacherry,
Chennai - 600 042.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to dispose of the petitioner's representation dated 16.07.2015.

For Petitioner : Mrs.Lesi Saravanan

For Respondents: Mr.V.Subbiah,

Special Government Pleader

सत्यमेव जयते
O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was initially appointed as General Foreman in the service of Transport Department, Trichy during the year 1991 and he was issued with very many transfer orders and was posted at Dharmapuri and was also given an additional charge as Automobile Engineer and due to medical and personal grounds, he submitted his resignation on 14.05.2008 through fax to the 2nd respondent and it was rejected on the ground that the petitioner is facing departmental proceedings under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The petitioner applied for medical leave from 24.05.2008 to 08.05.2011 and rejoined the duty on 09.05.2011. The

petitioner was subsequently exonerated from the charges and thereafter, he submitted a representation on 10.07.2008 for including his name in the panel for promotion of Automobile Engineer. Further, the petitioner would state that curiously, his resignation letter was subsequently accepted by the 2nd respondent vide proceedings dated 22.08.2008 and he was relieved from service on the same day and challenging the said order, he filed W.P.No.22318 of 2010 and the same is pending. The petitioner simultaneously filed an appeal before the Government, wherein the order of the 2nd respondent was set aside and consequently, the petitioner was reinstated in service on 09.05.2011. Now the grievance expressed by the petitioner is that the period in which he was in out of service was not regularised and in this regard, he has submitted a representation dated 16.07.2015 to the 1st respondent and since no order has been passed, came forward to file this writ petition.

3. Heard the submissions of M/s.Lesi Saravanan, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. This Court taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 16.07.2015 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.

The Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(JO

dt:08/10/2015

True Copy

Sub-Assistant Registrar

vsm

To

1.The Additional Chief Secretary
to Government of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai - 600 009.

WEB COPY

2.The Director,
The Tamil Nadu Motor Vehicle
Maintenance Department,
Government Central Automobile
Workshop Compound,
Vellacherry,
Chennai - 600 042.

+1 cc to Mrs.Lessi Saravanan, Counsel for
the Petitioner sr.no.52556/15

+1 cc to Government Pleader sr.52208

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