

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30151 of 2015

And

M.P.Nos.1 and 2 of 2015

K.Mani ... Petitioner

Vs.

1 The Secretary to Government of
Tamil Nadu Public (General) Department
Secretariat Fort St. George Chennai-9.

2 The Principal Resident
Commissioner Tamil Nadu House
Chanakyapuri New Delhi-21.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 2nd respondent in connection with Letter No.227/A-1/TNH/2015 dated 15.7.2015 and quash the same and consequently direct the respondents to absorb the petitioner in the forthcoming regular permanent vacancy of driver by relaxing the relevant Rule relating to the age limit by considering the appeal dated 9.9.2015 in the light of (I) G.O.(P) No.45 Tamil Development Information Department dated 22.4.2014 (ii) G.O.(Ms) No.856 Public Department dated 23.3.2014 and (iii) G.O.(P) No.205 TD Information Department dated 18.12.2014 within a time frame.

For Petitioner : Ms.T.Aananthi

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

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

2.The petitioner was appointed as a Kitchen mate during September 1996 on daily wages to work in Tamil Nadu House at Chanakyapuri in that capacity till February, 2005 and thereafter got appointed as Driver from December, 2008 and continued to work in that capacity on extension of services from time to time. Since there are permanent vacancies available in the post of Driver, the petitioner

from the year 2011 onwards repeatedly submitting representations praying for observation in the regular vacancies and according to him, till date he has put in 17 long hard, sincere and blemishless service to the satisfaction of the superior officers. The petitioner would state that the services of his juniors namely, Thiruvallargal T.Sivananthan, C.Ravi, M.Murugaantham, I.Kulandai Lazar and M.Shanmugam were absorbed as permanent Driver and since he is similarly placed prays for appropriate orders.

3.The learned counsel appearing for the petitioner would submit that as on today, the petitioner is still working in a temporary capacity and his request for regularisation came to be rejected on the ground that he has already crossed the age limit and in this regard, petitioner has also submitted the appeal memorandum to the respondents 1 and 2 and appropriate orders may be passed directing the first respondent to consider and dispose of the petitioner's appeal memorandum on merits and in accordance with law within a stipulated time.

4.Heard the submissions of Ms.T.Aananthi, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5.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 same, directs the first respondent to consider and dispose of the petitioner's representation/ appeal memorandum dated 09.09.2015 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. Taking into consideration of the plea made by the petitioner that as on today, the petitioner would continue to work in temporary capacity, the respondents are directed not to disturb him till such disposal.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Asst.Registrar (CS IV)

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Sub Asst. Registrar

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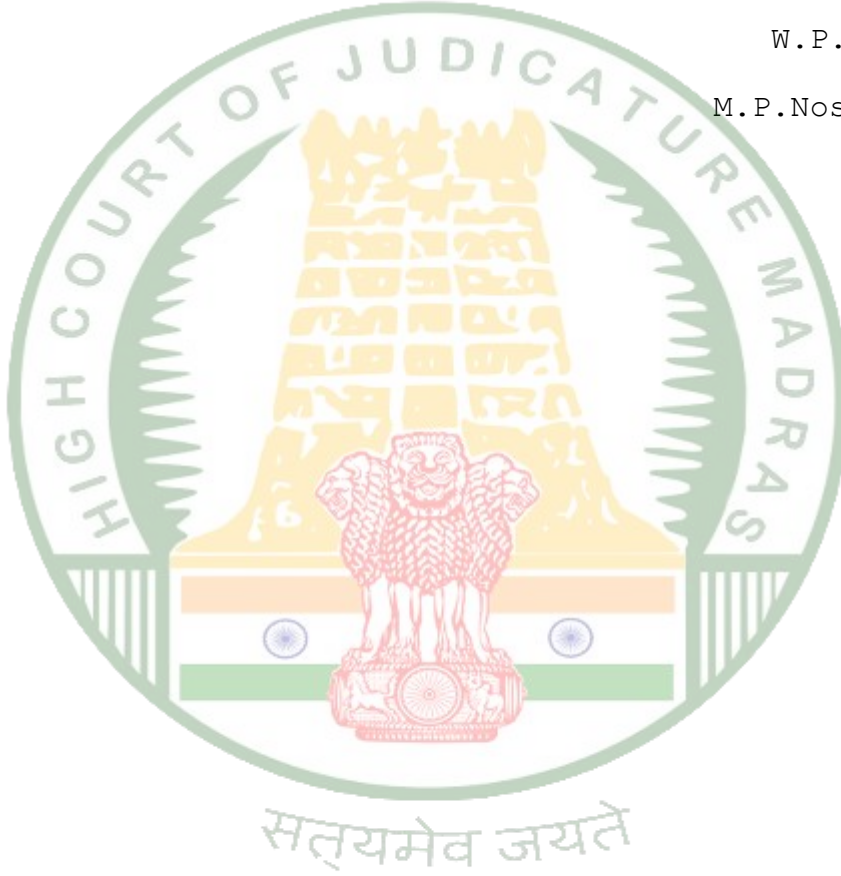
To

- 1 The Secretary to Government of
Tamil Nadu Public (General) Department
Secretariat Fort St. George Chennai-9.
- 2 The Principal Resident
Commissioner Tamil Nadu House
Chanakyapuri New Delhi-21.

+1 cc to M/s.T.Aananthi, Advocate, sr.52326
+1 cc to Government Pleader, sr.52413

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