

In the High Court of Judicature at Madras

Dated: 16.10.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.33635 of 2015

S.Premanand

.. Petitioner

Vs.

1. The Secretary,
Animal Husbandry, Dairy and Fisheries Department,
Chennai - 9.
2. The Commissioner of Fisheries,
DMS Camp, Teynampet,
Chennai - 60 006.
3. The Deputy Director of Fisheries (Regional),
North Beach Road,
Thoothukudi - 628 008.

.. Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 13.11.2013 and 21.02.2014 and to pass appropriate orders reappointing the petitioner in accordance to law within a stipulated time limit to be fixed by this Court.

For Petitioner : Mrs.Malarvizhi Udayakumar

For Respondents : Mr.N.Srinivsan,
Additional Government Pleader

O R D E R

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

2. The petitioner, on an earlier occasion, has approached this Court by filing W.P.No.22872 of 2008 praying for a direction to the second respondent herein to appoint the petitioner in any suitable vacancy and thereafter, to regularise the service from the date of initial appointment as "Fisherman". This Court, vide order dated 19.06.2013, observed that the petitioner was appointed through Employment Exchange with SSLC qualification and was allowed to work on daily wage basis for six years and on humanitarian ground, his claim may be considered. Thereafter, the third respondent has sent a

communication to the second respondent stating that since in fish hatcheries, no activities are going on, employment of fishermen on daily wages has also been dispensed with.

3. The grievance now expressed by the petitioner is that in the light of his long period of service, he may be accommodated in any other suitable post. In this regard, he has submitted a representation dated 21.2.2014 to the first respondent. Since no orders have been passed, he came forward to file this Writ Petition.

4. Learned counsel appearing for the petitioner would submit that in the very same department, two posts of Office Assistant as well as three posts of Superintendent are available and since the petitioner is having all the requisite and necessary qualification, he may be accommodated in any one of the suitable post and prays for appropriate orders.

5. Heard the submissions of the learned counsel appearing for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs respondents 2 and 3 to consider the representation of the petitioner dated 21.2.2014 on merits and in accordance with law 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.

S1

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary,
Animal Husbandry, Dairy and Fisheries Department,
Chennai - 600 009.
2. The Commissioner of Fisheries,
DMS Camp, Teynampet,
Chennai - 60 006.

3. The Deputy Director of Fisheries (Regional),
North Beach Road,
Thoothukudi - 628 008.

+1 C.C. To MRS.Malarvizhi Udayakumar, Advocate in SR.NO.57443

+1 C.C. To Government Pleader in SR.NO.57735

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KM(CO)
sd : 05/11/2015



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