

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.5771 of 2007

R.Sivakumar

Petitioner

Vs

- 1.The Director of Rural Development,
Panagal Buildings, Saidapet, Chennai-15
- 2.The Collector, Kancheepuram District
- 3.The Block Development, Thirupporur Panchayat Union
Kancheepuram Respondents

Prayer:- This Writ Petition came to be filed under Article 226 of the Constitution of India, by transfer of OA.No.5437 of 2002 from the file of the Tamil Nadu Administrative Tribunal, to direct the Respondents to issue posting order to the Petitioner and regularise the period commencing from 15.11.1990 till the issue of the posting order as duty period and grant all consequential benefits to the Petitioner.

For Petitioner : Mr.P.Rajendran

For Respondent : Mr.K.Rajendraprasad,
Government Advocate

ORDER

In this Writ Petition, the Petitioner seeks for a direction to the Respondents to issue posting order to him and to regularise the period commencing from 15.11.1990 till the issue of the posting order as duty period and grant all consequential benefits to the Petitioner.

2. This court heard the learned counsel on either side and considered their submissions carefully and also the materials placed on record.

3. It is the case of Petitioner that he joined in service as the Record Clerk in the Thirupporur Panchayat Union in the year 1969 and he was transferred to the Office of the

Assistant Educational Officer, Achirupakkam by order dated 15.11.1990 and accordingly, he reported for duty on 5.12.1990 in the transferred place. However, the Assistant Educational Officer did not permit the Petitioner to join duty on the ground that he was not the competent authority to do so. Thereafter, the Petitioner sent representations to the concerned authority for issuance of posting order to enable him to join duty in the transferred place. But, the Petitioner was not issued with such posting order so far. Hence, the Petitioner is before this court, with the prayer as stated above.

4. On a careful scrutiny of the petition and the counter affidavit, this Court is of the considered view that the prayer of the Petitioner regarding the posting order cannot be granted and it has become infructuous, in view of the subsequent development as stated in the counter that separate disciplinary proceedings for his unauthorised absence for more than 8 years has already been initiated against the Petitioner. Therefore, nothing survives in this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Srcm

To:

- 1.The Director of Rural Development,
Panagal Buildings, Saidapet, Chennai-15
- 2.The Collector, Kancheepuram District
- 3.The Block Development, Thirupporur Panchayat Union
Thirupporur Kancheepuram

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