

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.06.2016

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THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.19125 to 19129 of 2016

V.Marimuthu	.. Petitioner [in W.P.No.19125 of 2016]
A.Deivasigamani	.. Petitioner [in W.P.No.19126 of 2016]
N.Jayakumar	.. Petitioner [in W.P.No.19127 of 2016]
A.Samidurai	.. Petitioner [in W.P.No.19128 of 2016]
V.Manimaran	.. Petitioner [in W.P.No.19129 of 2016]

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Adi Dravidar & Tribal Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of Adi Dravidar Welfare,
Chepauk, Chennai - 600 005.

3.The District Adi Dravidar & Tribal
Welfare Officer,
Villupuram District, Villupuram.

.. Respondents
[in all W.Ps.]

COMMON PRAYER : Writ Petitions have been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to pass orders on the appeal petition submitted by the petitioners dated 03.04.2015 and to revoke the order of removal from service issued by the third respondent in Na.Ka.No.M1/6477/2013 dated 03.03.2015 and to re-instate the petitioners into service in the post of Cook with all consequential and other attendant benefits with continuity of service.

For Petitioner : Mr.S.Balasubramanian
[in all W.Ps.]

For Respondents : Mr.M.S.Ramesh
[in all W.Ps.] Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed to issue a Writ of Mandamus, to direct the first respondent to pass orders on the appeal petition submitted by the petitioners dated 03.04.2015 and to revoke the order of removal from service issued by the third respondent in Na.Ka.No.M1/6477/2013 dated 03.03.2015 and to re-instate the petitioners into service in the post of Cook with all consequential and other attendant benefits with continuity of service.

2.The case of the petitioners is that they were appointed as Water Man / Cook Assistant in Adi Dravidar Welfare Department on daily wages in the year 1992 and thereafter, joined as Cook as per the order of regular appointment issued by the third respondent on 25.04.2013. As against the said

order, the respondents filed Writ Appeal in W.A.No.797 of 2014. On 10.07.2014, the said Writ Appeal along with other batch of cases were ordered by stating that the part time employees are not entitled for relief under the Government Order. Based on which, the petitioners were removed from service vide order of the third respondent dated 03.03.2015. Thereafter, the petitioners submitted an appeal to the second respondent on 03.04.2015 but till date no orders have been passed and hence, the Writ Petition has been filed.

3.Mr.S.Balasubramanian, learned counsel for the petitioners would submit that the petitioners had removed from service on 03.03.2015 and hence, he would be satisfied, if their appeal is directed to be considered and appropriate orders are passed as expeditiously as possible.

4.Mr.M.S.Ramesh, learned Additional Government Pleader for the respondents has got no serious objection for directing the first respondent, who is the competent authority to consider the appeal of the petitioners and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioners, directs the first respondent, to consider the appeal of the petitioners, dated 03.04.2015, and pass appropriate orders, on merits and in accordance with law, within a

period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners.

6.The Writ Petitions are disposed of accordingly. No costs.

21.06.2016

Index : Yes / No
Internet : Yes

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To

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Adi Dravidar & Tribal Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Director of Adi Dravidar Welfare,
Chepauk, Chennai - 600 005.
- 3.The District Adi Dravidar & Tribal
Welfare Officer,
Villupuram District, Villupuram.

B.RAJENDRAN, J.

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