

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.A.No.1468 of 2016

J.Gunasekaran

Appellant

Versus

1 The Government of Tamil Nadu
Rep. by its Principal Secretary
Law Department
Fort St. George Chennai-9.

2 The Director of Legal Studies
Purasawalkam High Road
Kilpauk Chennai-600 010.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.3.2016 passed in W.P.No.10698 of 2016 on the file of this court. Prayer in WP.No.10698/16: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus directing the first respondent herein to consider the representation dated 08.02.2010 and confer retrospective regularization of service as ordered to the Markers working in Government Arts and Science Colleges in G.O.Ms.No.602 High Education (G2) Department dated 04.12.1997 and confer all the benefits.

For appellant : Mr.R.S.Anandan
For Respondents : Mr.R.Prathapkumar, AGP

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.R.Prathapkumar, learned Additional Government Pleader, who is directed to take notice on behalf of the respondents.

2. Perused the order passed by the learned Single Judge.
Para 3A of the order of the learned Single Judge reads thus:-

"A careful reading of the petitioner's representation dated 8.2.2010, does not contain any details regarding his appointment, date of regularization of his service, on what date the prospective benefits and retrospective benefits have to be conferred on him. Hence, this court finds that it is highly unfair to give a direction to the first respondent to consider the defective and vague representation of the petitioner dated 8.2.2010 and consequently, the writ petition fails."

3. It appears that the petitioner, while filing the writ petition seeking for a mandamus with regard to regularization of his service, shown to have not mentioned the details in his representation and as such, the learned Single Judge, having found that there is a dearth of details and dismissed the writ petition. However, it does not necessarily mean that the petitioner is disabled from submitting a further representation in this regard referring to the events and details, nature of work being done and what is the discrimination and what is the specific prayer and how he is entitled to the relief. Therefore, it is for the petitioner to submit a detailed representation to the respondent authority within one month from the date of receipt of a copy of this order and on such representation, the respondent authority shall pass necessary orders, in accordance with law, within a period of three months thereafter. The writ appeal is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

ssk.

To:

- 1 The Principal Secretary,
The Government of Tamil Nadu
Law Department
Fort St. George Chennai-9.

WEB COPY

2 The Director of Legal Studies
Purasawalkam High Road
Kilpauk Chennai-600 010.

+1cc to Mr.R.S.Anandan, Advocate, S.R.No.67755
+1cc to the Government Pleader, S.R.No.68089

NRJK (CO)
BB (30/12/2016)

W.A.No.1468 of 2016



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