

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31581 of 2016
and W.M.P.No.27418 of 2016

D.Munirathinam ... Petitioner

vs.

1.Government of Tamil Nadu,
rep. by Secretary to Government,
Revenue Department,
Secretariat, Chennai-9.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The Tahsildar,
Uthukottai Taluk,
Uthukottai,
Thiruvallur District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the claim of the petitioner for issue of posting orders as Village Assistant to the petitioner consequent on relief at Vellathukottai Village, Uthukottai Taluk, Thiruvallur District, on 2.9.2009 and issue orders of posting to him within a limited time frame and to regularize the period from 3.9.2009 to till the date of rejoining duty as period of Compulsory Wait and duty for all purposes and disburse all consequential monetary benefits from 3.9.2009.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.A.Zahir Hussain,
Govt. Advocate.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his claim for issuance of posting orders as Village Assistant consequent on relief at Vellathukottai Village, Uthukottai Taluk, Thiruvallur District, on 2.9.2009 and issue orders of posting to him within a limited time frame and to regularize the period from 3.9.2009 till the date of rejoining duty as period of 'Compulsory Wait' and 'duty' for all purposes and disburse all consequential monetary benefits from 3.9.2009.

3. It is the case of the petitioner that he belongs to Schedule Caste and he has passed VIII Standard. He was appointed as Village Assistant of Atrampakkam Village, Uthukottai Taluk, Thiruvallur District, by the Tahsildar, Uthukottai, by proceedings dated 2.3.1987 with effect from 1.3.1987. The services of all Village Assistants were regularized with effect from 1.6.1995 and the petitioner was placed in regular time scale of pay from the said date. Subsequently, he was transferred to various places and finally, he was transferred and posted as Village Assistant of Vellathukottai Village, Uthukottai and he was serving there. While so, as per the orders of the Tahsildar, Uthukottai, one P.Kailasam was posted in the place of the petitioner, however, no posting order was issued to the petitioner. In this regard, he made several representations to the second respondent, but, the same was not considered. Since the said representations were not considered, he filed an appeal / representation to the Government on 20.7.2015. Even the same was also not considered. Hence, left with no other alternative, the petitioner has come with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Keeping the submissions made on either side, I have carefully gone through the materials available on record and I find that though the petitioner was making several representations right from the year 2009, the authorities concerned have not chosen to pass any orders on the said representation. However, as on date, the petitioner's appeal / representation dated 20.7.2015 is pending before the first respondent. Therefore, I am of the view, it is appropriate to direct the first respondent to consider the said appeal / representation within a time.

6. Accordingly, this Court directs the first respondent to consider the appeal / representation of the petitioner dated 20.7.2015 pending before him and pass appropriate orders on

merits and in accordance with law, within a period of six weeks 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 claim projected by the petitioner in his appeal / representation dated 20.7.2015 and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-9.
- 2.The District Collector,
Thiruvallur District,
Thiruvallur.
- 3.The Tahsildar,
Uthukottai Taluk,
Uthukottai,
Thiruvallur District.

+1cc to Mr M.Ravi, Advocate, S.R.No.51817
+1cc to the Government Pleader, S.R.No.51817

MSM(CO)
EU(18/10/2016)

W.P.No.31581 of 2016