

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33702 of 2016

Ayyanan

... Petitioner

vs.

1 The Government of Tamilnadu,
High ways department,
Rep by Secretary to Government,
Fort St. George, Chennai-1

2 Divisional Engineer
(High Way Department and
Rural works) Gobi,
Erode District.

3 Assistant Divisional Engineer
(High Way Department
and Rural Works), Gobi,
Erode District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 2nd or 3rd respondents to consider the representation of the petitioner dated 10.06.2016 in the light of the G.O. No.230 dated 01.10.1999 and G.O. Ms. No.86 dated 27.07.2015 issued by the 1st respondent.

For Petitioner : Ms.S.Meenakshi

For Respondents : Mr.N.Srinivasan,
Addl. Govt. Pleader.

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 2 or 3 to consider his representation dated 10.6.2016 in the light of the G.O. No.230 dated 1.10.1999 and G.O. Ms. No.86 dated 27.7.2015 issued by the first respondent.

3. It is the case of the petitioner that he joined the service of the respondents' department on 20.10.1998 as temporary Gang Mazdoor in the scale of pay of Rs.1,500/- as trainee. After completion of training, he was made permanent on 29.1.2000 and continued his service till June 2002. Suddenly, on 26.6.2002, the second respondent dismissed him from service on the ground that he has not possessed with the basic qualification of V standard, against which, he filed O.A.No.4151 of 2002 before the Tamil Nadu Administrative Tribunal, Chennai, and obtained an order of interim stay. While so, in the year 2007, thousand of employees were dismissed from service on the ground of lack of education, age and physical fitness. They approached this Court by filing writ petitions in W.P.Nos.23463 of 2007, etc. and this Court directed the respondents therein to relax the relevant rules and re-instate them with all other consequential benefits. Thereafter, the first respondent passed an order in G.O.Ms.No.86 dated 27.7.2015 to consider them as special case. Immediately, the petitioner made representations dated 24.1.2007 and 9.8.2007 to the respondents to reinstate him into service based on G.O.Ms.No.86 dated 27.7.2015. But, the said representation was not considered. Thereafter, G.O.Ms.No.230 dated 1.10.1999 was issued by the first respondent for engagement of 108 Read workers by relaxing their age and education qualification in order to appoint them. Hence, the petitioner made a representation dated 10.6.2016 to the second respondent to reinstate him into service based on G.O.Ms.No.86 dated 27.7.2015 and G.O.Ms.No.230 dated 1.10.1999. Since the same was also not considered, left with no other alternative, the petitioner has come up 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 Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 10.6.2016 seeking to re-instate him into service, and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.Ms.No.86 dated 27.7.2015 and G.O.Ms.No.230 dated 1.10.1999, 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 and it is

for the second 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.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

sbi

To

1 The Secretary to Government
Government of Tamilnadu,
High ways department,
Fort St. George, Chennai-1

2 Divisional Engineer
(High Way Department and
Rural works) Gobi,
Erode District.

3 Assistant Divisional Engineer
(High Way Department
and Rural Works), Gobi,
Erode District.

1 cc to Government Pleader, Sr. 55386

W.P.No.33702 of 2016

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