

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.9327 of 2016

G.Murugan

.. Petitioner

-vs-

1. The Joint Commissioner,  
Joint Commissioner Office,  
HR & CE, Villupuram & District.

2.The Executive Officer,  
A/m Thinthineeswarar Temple,  
Tindivanam & Tk, Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents, in particularly, the second respondent to consider the representation dated 11.01.2016 and to provide an alternative employment to the petitioner and other benefits.

For petitioner : Mr.P.Vijendran

For respondents : Mr.K.V.Dhanapalan,  
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner, P.Selvam, seeking a direction to the second respondent to consider his representation dated 11.01.2016 wherein he sought for alternative employment.

2.The petitioner, after obtaining diploma in "Saiva Sidhanta" from the Annamalai University and with two M.A. Graduations namely in Sociology and History and M.Phil in History, was appointed as 'Meikappalar'. However, the first respondent has fixed the salary of the petitioner at Rs.1,077/-. As he got better qualification like M.A. and M.Phil., he made representation dated 11.01.2016 seeking alternative employment. As the respondents have not responded till date, he is before this Court.

3. But this Court is not in a position to consider the prayer in his favour. The reason is that he has not made out a case for issuing direction to consider and appoint him with alternative job. As a matter of fact, if anyone, who is appointed through proper channel, following the due process of law, due to any subsequent event suffering disability, fails to discharge his previous work, the law provides alternative employment. In the present case, the petitioner, merely stating that he acquired higher qualifications, seeks alternative employment. But he has not made out a case.

4. Learned Additional Government Pleader appearing for the respondents submitted that after the appointment of the petitioner as Meikappalar, the respondents are preparing to accommodate him as prayed for in the representation, but, he cannot be given any alternative job.

5. As the learned Additional Government Pleader submits that the petitioner's request would be considered, it is for the petitioner to give a fresh representation requesting to post him back within a period of one week from the date of receipt of a copy of this order. If any such representation is made by the petitioner, the respondents shall consider the petitioner for the said post, as a fresh appointee, within a period of six weeks thereafter.

6. With the above direction, the Writ Petition is dismissed. No costs. Consequently, connected W.M.Ps are closed.

Sd/-

Asst. Registrar (CO)

/true copy/

Sub Asst. Registrar

vga

To

1. The Joint Commissioner,  
Joint Commissioner Office,  
HR & CE, Villupuram & District.

2. The Executive Officer,  
A/m Thinthineeswarar Temple,  
Tindivanam & Tk, Villupuram District.

1 cc to Mr.P. Vijendran, Advocate, Sr. 16289

1 cc to Government Pleader, Sr. 16665

W.P. No.9327 of 2016

BVR (CO)

kk 11/4