



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

CORAM :

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD)No.20424 of 2016

K.Raja Kumar

... Petitioner

Vs.

1.The Director/Commissioner of Treasuries,
Treasuries and Accounts Department,
Panagal Building,
Saidapet, Chennai.

2.The District Treasury Officer,
Nagercoil,
Kanyakumari District.

3.The Sub Treasury Officer,
Vilavancode,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to provide re appointment on consolidated pay in accordance with G.O.Ms.170 dated 18.12.2009 and in accordance with Rule 45 of Tamil Nadu state and Subordinate Services Rules by considering the representation of the petitioner dated 14.07.2016.

For Petitioner

: Mr.L.Jeen Felix

For Respondents

: Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the respondents to provide re-appointment on consolidated pay in accordance with G.O.Ms.170, Personnel and Administrative Reforms (S) Department dated 18.12.2009 and in accordance with Rule 45 of the Tamil Nadu state and Subordinate Services Rules by considering the representation of the petitioner dated 14.07.2016.

<https://hcservices.ecourt.gov.in/hcservices/> the learned counsel for the petitioner and the learned Special Government Pleader, who takes notice for the



respondents. By consent, this writ petition is taken up for final disposal at the stage of admission.

3.The Government issued G.O.Ms.170, Personnel and Administrative Reforms (S) Department dated 18.12.2009 enabling the appointing authorities to appoint the retired Government servants/retired employees of quasi Government Organisations temporarily on contract basis under Rule 11 of the General Rules for Tamil Nadu State and Subordinate Services, against sanctioned posts, in the Government Departments subject to the following conditions:

(a) there should be emergent need for such appointment; and

(b)there should be reason to believe that work will get affected due to dearth of employees in the departments.

4.Quoting this provision, the petitioner, who attained superannuation on 31.03.2016 as Special Grade Office Assistant in the third respondent Office, has submitted a representation dated 14.07.2016 seeking re-appointment on temporary basis.

5.The learned Special Government Pleader appearing for the respondents would submit that G.O.Ms.170, Personnel and Administrative Reforms (S) Department dated 18.12.2009 is issued, enabling the concerned Department to consider the appointment of a retired employee, in cases of the vacancies arising and also under the stated circumstances in the G.O.No.170 and therefore, the Writ Petition itself is not maintainable.

6.The learned counsel for the petitioner would submit that the petitioner is prepared to wait and in case, any contingency arising in the concerned department to appoint the retired employee, his representation may be considered.

7.Considering the submissions made on both sides, it is open to the second respondent to consider the representation of the petitioner dated 14.07.2016, in the event of contingencies as stipulated in G.O.Ms.No.170 (referred supra) arising in the concerned department.

8.The Writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub Assistant Registrar



To

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+1cc to Spl.Government Pleader Sr.No. 64188

+1cc to Mr.S.C.Herold Singh,Advocate Sr.No. 63390

JAM/22.11.16/CK/3p-6c

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