



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2016

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21147 of 2016

R.Seenivasan : Petitioner

Vs.

1.The Deputy Director of Fisheries,
Regional Office, Madurai.

2.The Joint Director of Fisheries,
North Beach Road, Thoothukudi.

3.The Assistant Director of Fisheries
(Inland Fisheries),
120, Aruppukottai Road,
Rajamani Hall,
Virudhunagar - 626 001.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 19.09.2016 and permit the petitioner to work in the appointed post of Assistant of Fisheries within a fixed time limit that may be fixed by this Court.

For Petitioner : Mr.M.Veilkani Raju

For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the second Respondent to consider the representation of the petitioner dated 19.09.2016 and permit the petitioner to work in the appointed post of Assistant of Fisheries.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.



3.The case of the petitioner is that the petitioner belongs to Scheduled Tribe Community. After entering his name in the Employment Exchange Office, Virudhunagar and after waiting for a long time, he got an employment by the proceedings dated 23.01.2013 for the post of Assistant of Fisheries in the Fisheries Department and he was posted in the office of the Inspector of Fisheries at Pilavakkal Dam in the existing vacancy. The appointment order of the petitioner is dated 23.01.2013 and he reported for duty pursuant to the said order. Thereafter, due to some unavoidable family situation, he was not able to report for duty. Till today, his appointment has not been terminated. For the past two years, he approached the respondents and requested for employment. He has also given representations on 19.09.2016 before the second respondent and to the first respondent on 05.10.2016. As the same were not considered, this writ petition has been filed.

4.The learned counsel for the petitioner would submit that because of the blood cancer suffered by the petitioner's wife, he was not able to attend his job and it was due to unavoidable family circumstances and again seeking employment, the petitioner has given representations dated 19.09.2016 to the second respondent and also to the first respondent on 05.10.2016.

5.The learned Special Government Pleader would submit that the petitioner did not report for duty for more than three years and that the representation would be considered, on merits.

6.Without expressing any opinion on the merits of the matter, the first respondent is directed to consider representation of the petitioner dated 05.10.2016 in the light of the averments made therein and pass further 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.

7.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

smn

To

1.The Deputy Director of Fisheries,
Regional Office, Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Joint Director of Fisheries,
North Beach Road, Thoothukudi.



3.The Assistant Director of Fisheries
(Inland Fisheries),
120, Aruppukottai Road,
Rajamani Hall,
Virudhunagar - 626 001.

+1CC to Mr.M.Veilkaniraju, Advocate Sr.No.65741
+1CC to Spl.Government Pleader Sr.No.66619

GJM/GSV/PM/15.11.16-3p-6C

ORDER MADE IN
W.P(MD)No.21147 of 2016
04.11.2016