

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.12119 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the inaction of the Respondents 2 to 5 in disposing the representation Dt.13.02.2015 of the petitioner to consider for the post of JPA or LDC as with retrospective affect i.e., 1993 and fixing seniority from 1993 for the purpose of promotion and monetary benefits as arbitrary illegal, void abinitio besides violative of Article 14 and 21 of Constitution of India and principles of natural justice and further may be pleased to direct the Respondents 2 to 5 to consider the petitioner's representation dt.13.02.2015 for the post of JPA or LDC.”

Heard Sri J. Asvini Kumar, learned counsel for the petitioner, learned Government Pleader for Energy for respondent No.1 and Smt.K. Aruna, learned Standing Counsel for respondents 2 to 6.

Earlier, the petitioner herein filed W.P.No.6818 of 2012 before this Court and this Court by virtue of an order, dated 14-03-2012, allowed the said petition and the operative portion of the said order reads as under:

“In the above circumstances, the writ petition is allowed setting aside the impugned orders and directing the District Collector – 2nd respondent to pass appropriate orders, keeping in view the representation already made before this Court in Writ Appeal and also the earlier orders passed by this Court, within a period of six (6) weeks from the date of receipt of a copy of this order. No order as to costs.”

Subsequently, complaining willful disobedience on the part of the respondents, the petitioner herein filed C.C.No.312 of 2013. On 26-11-2014, this Court in C.C.No.312 of 2013 passed an order and the operative portion at paragraph No.10 of the said order reads as under:

“10. Post this matter on 17-12-2014 for compliance. In case if the respondents fail to give appointment orders to the petitioner, the respondents shall pay costs of Rs.2,00,000/- (Rupees two lakhs only) to the petitioner for the delay caused and the concerned officers will be held personally responsible if any further delay is caused and they have to face severe consequences for disobeying the orders of this Court.”

Thereafter while closing the said C.C.No.312 of 2013, on 17-12-2014, by taking note of the aspect that the petitioner joined as Mazdoor, this Court permitted the petitioner to submit a representation to the respondents to consider his case for the post of JPA or LDC and directed the respondents to consider the same, in accordance with the rules.

According to the petitioner, he submitted a representation on 13-02-2015 to the respondent authorities, requesting the respondent authorities to consider his case for the post of JPA or LDC with retrospective effect i.e., from 1993. The grievance of the petitioner now in the present writ petition is the failure on the part of the respondents in not passing orders on the said representation.

Learned counsel for the petitioner has requested this Court to direct the respondents herein to pass appropriate orders on the said representation, dated 13-02-2015 and the said request is not

opposed by the learned Standing Counsel for the respondents. On the other hand, learned Standing Counsel for the respondents submits that the said representation would be considered, in accordance with law.

Recording the said submissions, the writ petition is disposed of, directing the respondents to consider and pass appropriate orders on the representation, dated 13-02-2015 said to have been submitted by the petitioner herein, in accordance with law, within a period of one month from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SETHA SAI, J

April 12, 2016

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THE HON'BLE SRI JUSTICE A.V. SETHA SAI

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