

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE.T.RAJA

W.P. No.10563 of 2017 and
W.M.P. Nos.11479 and 11480 of 2017

A.Satheesh Kumar

.. Petitioner

Vs.

1. The State of TamilNadu,
Rep by its secretary, Adi Dravidar
Welfare Department, Fort St. George,
Chennai - 600 009.
2. The Director,
Adi Dravidar Welfare Department,
Ezhilagam,
Chennai - 600 005.
3. The District Adi Dravidar Welfare Officer,
Villupuram District,
Villupuram.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records made in Na. Ka.(M1) 17065/2016, dated 12.04.2017 served to the petitioner on 17.04.2017 on the file of third respondent herein and quash the same as illegal and direct the respondents to permit the petitioner to work as record clerk in the office of District Adi Dravidar Welfare Office, Villupuram, the third respondent herein.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.K.Rajendraprasad,
Government Advocate

O R D E R

The petitioner was appointed as a Record Clerk on 07.02.2017 vide order No.Che.Mu.(M.1)/17065/2016, passed by the District Adi Dravidar Welfare Officer, Villupuram District, the third

respondent herein, based on his educational qualification namely +2. Subsequently, after assuming office on 09.02.2017, the impugned order has been passed by the third respondent, reverting the petitioner to the post of Cook.

2.The said order was put to challenge by the petitioner in W.P. No.4876 of 2017 on the ground that when he was given compassionate appointment to the post of Record Clerk on 07.02.2017 by the third respondent herein, within a few days without any notice or enquiry, he was reverted to the post of Cook citing various reasons.

3.Learned Government Advocate appearing for the respondents would submit that the petitioner was wrongly accommodated as a Record Clerk on compassionate ground. He would further submit that there are several other posts and therefore, as and when suitable vacancy arise, the case of the petitioner will be considered.

4.This Court, by order dated 28.02.2017 passed in the said W.P. No.4876 of 2017, has held as follows:

"7.This Court, taking into consideration the above facts and circumstances, directs the 3rd respondent to treat the proceedings dated 09.02.2017 as a show cause notice for which the petitioner has also submitted his response on 23.02.2017 and the 3rd respondent is directed to consider the said representation/explanation on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner

5.As this Court has already given a direction to the third respondent to treat the proceedings dated 09.02.2017 as show cause notice and to consider the petitioner's representation/explanation, on merits, he cannot be reverted to the post of Cook.

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6. Therefore, the respondents are directed to consider the case of the petitioner and post him as Record Clerk as and when the vacancy arise. Accordingly, this writ petition is allowed and the impugned order made in Na. Ka.(M1) 17065/2016, dated 12.04.2017 passed by the third respondent is hereby set aside. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1. The State of TamilNadu,
Rep by its secretary, Adi Dravidar
Welfare Department, Fort St. George,
Chennai - 600 009.
2. The Director,
Adi Dravidar Welfare Department,
Ezhilagam,
Chennai - 600 005.
3. The District Adi Dravidar Welfare Officer,
Villupuram District,
Villupuram.

+5cc to Mr.R.Sankarasubhu, Advocate, S.R.No.26047
+1cc to the Government Pleader, S.R.No.26416

W.P. No.10563 of 2017

NR II (CO)
RS (12/05/2017)

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