

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.4784/2017

A.Raja

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Petitioner

Versus

1.The Secretary to Government
Government of Tamil Nadu
Rural Development Department
Fort St George, Chennai 600 009.

2.The Director of Rural Development
& Panchayat Raj, Panagal Building
Saidapet, Chennai 600 015.

3.The District Collector [PD Section]
Coimbatore District, Coimbatore.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the 1st and 2nd respondents to return the original documents submitted by the petitioner for regularising his service in the cadre of Junior Assistant with effect from 25.09.1986 after getting proper ratification from the Tamil Nadu Public Service Commission.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner was initially appointed as a Record Clerk at Thondamuthur Panchayat Union with effect from 20.10.1982 on compassionate ground on account of the demise of his father who was working as a teacher at Thithipalayam Middle School, Thondamuthur Block. The petitioner got his appointment as a Junior Assistant on 22.09.1986 on the ground that he was fully qualified for appointment

to the said post and claims that he has also cleared all the Departmental Tests applicable to the said post on 12.05.1988 and underwent requisite training during October 1988. The District Collector, Coimbatore, has also sent a proposal for regularising the services of the petitioner and the 1st respondent, vide G.O.Ms.No.164, dated 12.09.1994 had regularised the services of the petitioner in the cadre of Junior Assistant with effect from 12.09.1994 in stead of his initial appointment of the petitioner as Junior Assistant on 25.09.1986. The petitioner, in this regard, has also approached the concerned authorities and it was rejected by the 1st respondent on 07.10.2008 and the petitioner made a challenge by filing WP.No.28863/2008 and it was allowed by this Court on 07.10.2008 with a direction, directing the respondents to regularise the services of the petitioner in the cadre of Junior Assistant with effect from 25.09.1986. Accordingly, the 1st respondent has passed G.O.[D] No.21, dated 20.04.2011, regularising the petitioner's service as Junior Assistant with effect from 25.09.1986 and also indicated that appropriate ratification has to be obtained from the Tamil Nadu Public Service Commission [TNPSC]. The petitioner also got his promotion as Deputy Block Development Officer with effect from 15.06.2012 and for regularisation of the service of the petitioner with effect from 25.09.1986, necessary documents have been forwarded to TNPSC on 15.11.2016.

3 The grievance expressed by the petitioner is that though the original documents have been forwarded to TNPSC, once again the original documents have been asked for for the second time and in the light of the fact that the petitioner is due to retire from service on 30.06.2020 and that necessary orders have not been passed by the respondents and the matter is getting delayed for want of original documents. The petitioner has also submitted a representation dated 10.02.2017 to the respondents and despite the receipt and acknowledgment, no orders have been passed and therefore, the petitioner came forward to file the present writ petition.

4 Heard the learned counsel appearing for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representation dated 10.02.2017 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

AP

To

1.The Secretary to Government
Government of Tamil Nadu
Rural Development Department
Fort St George, Chennai 600 009.

2.The Director of Rural Development
& Panchayat Raj, Panagal Building
Saidapet, Chennai 600 015.

3.The District Collector [PD Section]
Coimbatore District, Coimbatore.

C.C. to The Government Pleader, SR.NO.13053

C.C. to MR.V.Suthakar Advocate SR.NO.12735

WP.No.4784/2017

KK (CO)
VS 13.03.2017

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