

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.02.2017
CORAM
THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
W.P. No. 2545 of 2017

A. Jaffer Ali

..Petitioner

Vs.

The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai 600 009.

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondent to dispose of the petitioner's representation dated 28.10.2015.

For Petitioner :: Mr.M. Muthupandian

For Respondent :: Mr.P. Chinnadurai
Govt. Advocate

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. Mr.P. Chinnadurai, learned Government Advocate accepts notice on behalf of the sole respondent.

3. The petitioner was initially appointed as Night Watchman on 01.04.1974 and subsequently got his appointment as Office Assistant in the year 1989. He retired from service on 31.03.2015 and at the time of his retirement, he was working in the office of the Tahsildar, Madukkarai. The petitioner, would aver, that while he was working as Office Assistant in Siva Distillery Narasimmanaickenpalayam, he was placed under suspension on account of pendency of criminal prosecution and he was reinstated in service on 29.03.2005 and again suspended from service on 01.04.2005. The petitioner was convicted in STC No. 3719 of 2004 by the Court of Judicial Magistrate II, Coimbatore, for the offence under Section 4(1)(a) of Tamil Nadu Prohibition Act and it was also confirmed in C.A. No. 470/2006 by the Additional District cum Sessions Judge (Fast Track Court No.2) by judgment dated 09.01.2007. Challenging the same, the petitioner filed Crl.R.C. No. 360 of 2007 before this Court and the said revision was allowed on 14.08.2009 and consequently, the petitioner was acquitted. The grievance expressed by the petitioner is that though he was reinstated in service on

06.09.2010, the period of absence from 30.07.2004 to 05.09.2010 was regularised as extra-ordinary leave without pay and allowance by the Collector, Coimbatore District, by proceedings dated 23.01.2011. The petitioner submitted a representation dated 25.05.2011 to the Principal Secretary and Commissioner for Revenue Administration, Chennai -5 praying to set aside the order passed by the District Collector, Coimbatore, dated 23.01.2011 and it was rejected by order dated 29.09.2012. Challenging the same, the petitioner filed an appeal dated 28.10.2015 before the respondent. Since the said appeal having not been given disposal, came forward to file the present writ petition.

4. Heard Mr.M. Muthupandian, learned counsel for the petitioner and Mr.P. Chinnadurai, learned Government Advocate for the respondent.

5. This Court, taking into account, the limited scope of the relief sought, directs the respondent to consider and dispose of the petitioner's appeal memorandum dated 28.10.2015, in accordance with law, 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. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nv

To
The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai 600 009.

+1 cc to the Government Pleader sr 7427
+1 cc to M/s.M.Muthupandian Advocate sr 6674

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