

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.11.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.33379 of 2013
and MP.No.1 of 2013

M.Shaffi

...Petitioner

Versus

- 1.The Government of Tamil Nadu,
Rep.by its Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
 2. The Secretary to Government,
Personnel and Administrative Reforms (P) Department,
Secretariat, Chennai 600 009
- ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the second respondent in Lr.No.66939/P/2008-1, P.&A.R (P) Department dated 04.05.2009, to quash the same and to issue consequential directions to the respondents to absorb the Petitioner who was retrenched Census 1991 employees, as Junior Assistants with retrospective effect from the date of his absorption as 07.09.2006 with all consequential benefits.

For Petitioner : Mr.Ali Hussain Khan for
Mr.M.Ravi

For Respondents : Mr.R.Vijayakumar

ORDER

Though the order of rejection dated 04.05.2009 sought to be quashed in this writ petition, a direction to absorb the petitioner as Junior Assistant with retrospective effect is also sought for.

2. The prayer in the writ petition is larger in nature. However, the learned counsel appearing for the writ petitioner restricts the prayer by stating that it would suffice, if a direction is issued to consider the representation submitted by

the writ petitioner on 12.06.2011 to the 1st respondent. The learned counsel further states that the writ petitioner is entitled for absorption based on the earlier judgment rendered by the Courts.

3. The learned Additional Government Pleader appearing on behalf of the respondents made a submission that no doubt the appeal is pending before the 1st respondent. However, the same has to be considered in accordance with various Government Orders and the judgment of the Honourable Supreme Court of India and High Courts in the matter of absorption and regularisation. Thus the authorities has to consider the case of the writ petitioner independently based on the merits and demerits of the facts and circumstances of the case. Thus, without going into the merits of the matter, the 1st respondent is directed to consider the representation submitted by the writ petitioner on 12.06.2011 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation and the documents along with the orders passed in this writ petition.

4. Accordingly, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2. The Secretary to Government,
Personnel and Administrative Reforms (P) Department,
Secretariat, Chennai 600 009

+1 cC to Govt. Pleader sr 82846.

+1 CC to Mr.M. Ravi, Advocate sr 82956.

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SP(30/11/2017)