

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 26434 of 2013
and MP No.1 of 2013

K.Shanmugam

.. Petitioner

Vs.

- 1 The Assistant Director of Fisheries,
Mettur, Salem District.
 - 2 The Special Officer,
Mettur Dam Fishermen Co-op, Sales Society,
Koonandiyur Kattuvalavu,
Mettur Dam 636 401.
Salem District.
- .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, the respondents to consider the representation dated 31.01.2013 of the petitioner regarding his appointment as Salesman-Supervisor in the Society and pass orders thereon within a time limit.

For Petitioner : Mr.R.Thamarai Selvan

For 1st Respondent : Mr.V.Selvaraj,
Additional Government Pleader

For 2nd Respondent : Mrs.T.P.Savitha
Government Advocate

O R D E R

The petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 31.01.2013 of the petitioner regarding his appointment as Salesman-Supervisor in the Society and pass orders thereon within a time limit.

2. Heard Mr.R.Thamarai Selvan, learned counsel appearing for the petitioner and Mr.V.Selvaraj, learned Additional Government Pleader appearing on behalf of the 1st respondent and Mrs.T.P.Savitha, Government Advocate appearing on behalf of the 2nd respondent.

3. The learned counsel appearing for the petitioner submits that the petitioner has been continuously serving as Supervisor on daily wage basis in "Mettur Dam Fishermen Co-op, Sales Society, Koonandiyur Katturalam 98, Mettur Dam" from 01.02.2010 and his services have not been regularised from the date of the initial appointment. The 2nd respondent herein called for a list of candidates on 17.04.2012 from the District Employment Office, Salem, for appointment to the post of Clerk-Cashier and 10 candidates were sponsored by the Employment Exchange, including the petitioner on 25.04.2012. Again a fresh list of candidates was called for from the Employment Exchange, Salem for appointment as Salesman cum Supervisor and interview was conducted on 30.01.2013, since petitioner had crossed the upper age limit of 32 years for M.B.Cs., the petitioner's name was not sponsored. Therefore, the petitioner made a representation dated 31.01.2013 to the respondents to consider his name. The petitioner representation was not considered by the respondent. Hence the petitioner filed the present Writ Petition.

4. The Learned Additional Government Pleader submitted that if the said representation dated 31.01.2013 made by the petitioner is in order, the same would be considered by the respondents, in accordance with law.

5. Considering the facts and circumstances of the case, without expressing any opinion on merits, the second respondent is directed to consider the representation of the petitioner, dated 31.01.2013, if it is otherwise in order, in accordance with law, by giving a reasonable opportunity to the parties concerned and pass appropriate orders as expeditiously as possible, not later than three months from the date of receipt of a copy of this order.

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6. The Writ Petition is disposed of, on the above terms. Consequently, the connected miscellaneous petition is closed. No costs.

jv

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

- 1 The Assistant Director of Fisheries,
Mettur, Salem District.
- 2 The Special Officer,
Mettur Dam Fishermen Co-op, Sales Society,
Koonandiyur Kattuvalavu,
Mettur Dam 636 401.
Salem District.

+1 CC to Govt Pleader SR.NO.9052

+1 CC to Mr.R.THAMARAI SELVAN Advocate SR.NO.8723

+1 CC to Mr.T.P.SAVITHA Advocate SR.NO.8583

W.P. No. 26434 of 2013

SAI [CO]

MK:22/03/2017

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