

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29278 of 2010

Ms.Soundari

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu
Department of Tourism, Chennai.

2.The Chairman and Managing Director
2, Walaja Road, Chennai - 2.

3.The Manager [Administration]
2, Walaja Road, Chennai - 2. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner with all attendant benefits.

For Petitioner : Mr.K.Thiruvengadam

For Respondents: Mr.K.Thangapandi [For R1]
Government Advocate
Mr.L.N.Prakasam [For R2 & R3]

सत्यमेव जयते

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to re-instate the petitioner with all attended benefits and pass orders.

2.The learned counsel appearing on behalf of the writ petitioner states that the husband of the writ petitioner, late Sri.M.Ethirajulu, was employed as Office Assistant in the 3rd respondent Corporation and passed away in the year 1997 while he was in service. The writ petitioner made an application seeking for an appointment on compassionate ground.

3.However, the writ petitioner was engaged as temporary Sweeper in the year 1997 and served till in the year of 2010. The services of the writ petitioner has not been confirmed and she was ousted from service in the year 2010.

4.The learned counsel appearing on behalf of the respondents brought to the notice of this court that the writ petitioner remained unauthorisedly absent and therefore, the question of re-instatement will not arise at all. This apart, the Educational Certificate produced by the writ petitioner was also found not genuine and therefore, the respondents were unable to reconsider the case of the writ petitioner and now after a lapse of many years, the respondents are not in a position to consider the case of the writ petitioner.

5.The learned counsel appearing on behalf of the petitioner states that the terminal and pensionary benefits are not fully paid to the writ petitioner and the same also to be paid.

6.It is needless to state that the terminal and pensionary benefits due to the petitioner are to be paid to the petitioner. If any amount has not been paid and the respondents are bound to pay the same without causing any further delay. In respect of reinstatement, the question cannot be considered by this court, in view of the fact that the writ petitioner is now aged about 58 years and further, she was not appointed in accordance with rules and she served as temporary sweeper and ousted from service. Thus, the question of re-instatement does not arise at all.

7.The respondents are directed to consider the representation dated 28.10.2009 submitted by the writ petitioner and pass orders on merits within a period of twelve (12) weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose a copy of the representation and other documents if any along with the order passed by this court in this writ petition.

8.Accordingly, the writ petition stands disposed of. However, there is no order as to costs.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

maya

To

1.The Secretary to Government of Tamil Nadu
Department of Tourism, Chennai.

2.The Chairman and Managing Director
2, Walaja Road, Chennai - 2.

3.The Manager [Administration]
2, Walaja Road, Chennai - 2.

+ 1 cc to Mr.K.Thiruvengadam Advocate, SR.90060

+ 1 cc to M/s.L.N.Praghasham, Advocate, SR.90256

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nr 18/01/2018



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