

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.24371 OF 2000

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not allowing the petitioner to duty from 23.3.2000 as illegal and arbitrary, and consequently, to issue a direction to the respondents to allow the petitioner to duty.
2. Heard Sri Ch. Murali Krishna, learned Counsel for the petitioner and Sri A.K. Jaya Prakash Rao, learned Counsel appearing for T.T.D.
3. It has been contended by the learned Counsel for the petitioner that on the allegation of irregularities committed by the petitioner in preparation of Laddu and other Prasadams in T.T.D., the respondents had prevented him from discharging his duties without initiating any proceedings.
4. On the other hand, the 1st respondent had filed a counter-affidavit contending that the petitioner is never their employee and there is no employee and employer relation between the petitioner and T.T.D. It has been further contended in the counter that Mirasidars have formed into an association with an intention to create source of income for the association, and that preparation of laddus and prasadams have been entrusted to the association, which was formed by Mirasidars, and that the petitioner is one of the members of the said association.
5. When the matter was listed today, the learned Counsel for the petitioner submits that the petitioner died on 18.6.2015. The learned Counsel also produced G.O.Rt.No.40, dated 18.1.2017.

6. A perusal of the said G.O. discloses that similarly situated individuals viz., R. Ramesh, T.M. Sridharan and the petitioner herein preferred appeals against the orders of punishment of removal from potu service before the State Government and the State Government had entertained the appeals and allowed the appeal of R. Ramesh directing that he should be taken as a Potu worker afresh. Insofar as T.M. Sridharan and the petitioner are concerned, since they have not attended the hearing, their appeals were dismissed.

7. It has been contended by the learned Counsel for the petitioner that Potu services and the Mirasi rights are hereditary in nature. If it is the case of the learned Counsel for the petitioner, the legal heirs of the petitioner can move an appropriate application before the competent authority seeking suitable employment in T.T.D., and upon such application being made, the respondents are directed to consider the same and pass appropriate orders. Insofar as the relief sought in this writ petition is concerned, I do not see any merits in this writ petition.

8. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

(ABHINAND KUMAR SHAVILI,J)

22nd November, 2017
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