

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.6.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1044 of 2018

G.Sridharan

Appellant

Versus

- 1 The State of Tamilnadu
rep by its Secretary to Government
Finance Department Fort St George
Chennai- 600 009.
- 2 The Director
Rural Development and Panchayat Raj
Panagal Maaligai Saidapet
Chennai- 600 015.
- 3 The District Collector
Sivagangai District at Sivagangai.
- 4 The Commissioner
Small Savings Department
(The then Tamil Nadu Raffles Department)
Annasalai Chennai-600 002.
- 5 The Personal Assistant
(Development)
O/o. The District Collector
Sivagangai District.

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 15.3.2018 passed in W.P.No.5865 of 2018 on the file of this court.

W.P.No.5865 of 2018:

Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing 2nd respondent to dispose of the petitioners statutory appeal dated 23.09.2017 and thereby direct 2nd respondent to reinstate the petitioner into service since 13.06.2014 and pay back all service benefits to him within a stipulated period.

For appellant : Mr.A.Rajesh Kanna
For respondents: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed challenging the order passed by the learned Single Judge in dismissing the writ petition which sought for a direction to dispose of the appellant's Statutory Appeal dated 23.9.2017.

3. It is the case of the appellant that he being Office Assistant in the second respondent-Department, had availed unearned medical leave on 14.6.2014 and on recovery of his illness, he tried to join duty on 18.8.2014, but, he was not allowed to join duty and subsequently, a disciplinary proceedings was initiated against him which ended in his compulsory retirement and challenging the same, the appellant had filed a Statutory Appeal. Having found that the Statutory Appeal was not disposed of by the authority concerned, he had come up with the writ petition.

4. In view of the limited scope of the claim made by the appellant, we feel that ends of justice would be met if a direction is given to the second respondent to expedite the disposal of the Statutory Appeal, in modification of the order passed by the learned Single Judge and accordingly, the second respondent is directed to dispose of the Statutory Appeal within a period of three months from the date of receipt of a copy of this judgment. All the contentions on the issue are left open to be urged before the appellate authority. The writ appeal is disposed of accordingly. No costs.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The Secretary to Government
Finance Department Fort St George
Chennai- 600 009.
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Rural Development and Panchayat Raj
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 - 5 The Personal Assistant
(Development)
O/o. The District Collector
Sivagangai District.
- +1 CC to Mr.A. Rajesh Kumar, Advocate sr 34749.
- +1 CC to Spl. Govt. Pleader sr 35348.

W.A.No.1044 of 2018

SVN(CO)
SP(28/06/2018)

सत्यमेव जयते

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