

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.8629 of 2009

G. Macharegai
Noon Meal Organiser (Under Suspension),
Arasamaravattam Panchayat Union Elementary School,
Sorakkainatham, Natrampalli, Thirupattur Taluk,
Vellore District. ... Petitioner

Vs

1. The District Collector,
Vellore, Vellore District.
2. The Commissioner,
Nattrampalli Panchayat Union,
Thirupattur Taluk,
Vellore District. ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to provide employment to the petitioner as Noon Meal Organiser.

For Petitioner : Mr. V. Thirupathi

For Respondent-2 : Mr. R. Thirugnanam

For Respondent-1 : Mr. M. Elumalai
Government Advocate

ORDER

The petitioner has filed this writ petition seeking the prayer directing the respondent to provide employment to the petitioner as Noon Meal Organiser.

2. It is the case of the petitioner that originally the petitioner was appointed on 25.09.1985 temporarily on consolidated basis as "Noon Meal Organiser", Arasamaravattam Panchayat Union Elementary School, Sorakkainatham, Natrampalli,

Thirupattur Taluk, Vellore District.

3. After putting up ten years of service on 31.05.1995, the petitioner was suspended from service directing the petitioner not to attend any service on the allegation that there was some audit objection for the year 1994-1995, in which there is a deficit of Rs.390/- and the respondent also directed to deposit the said amount which was objected by the petitioner. Thereafter, there was no charge memo issued to the petitioner. Therefore, the petitioner has given various representations to the respondent on 22.01.2003, 27.02.2004 and 04.12.2007 seeking the respondents to provide an appointment to the petitioner. But no action was taken. Therefore, in the year 2009, the petitioner has filed this present writ petition seeking a direction to the respondents to provide employment to the petitioner as Noon Meal Organizer.

4. The learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent are also represent before this Court that the petitioner was low temporarily appointed but he has not produced the order of appointment before this Court. Originally, the petitioner was engaged as Noon Meal Organizer on 25.09.1985 temporarily on consolidated basis. Due to deficit in the food material stock made by the petitioner in the first respondent has made inspection on 31.05.1995 and deficit was found in stocks for Rs.390/-. In audit objection was raised for the deficit. When the petitioner was asked to pay the said amount, the petitioner himself stopped in coming to the duty from the service on 01.06.1995. Therefore, it is made it clear that the second respondent has not given any suspension order either by the oral or written as alleged by the petitioner.

5. When the petitioner has asked to pay the said amount, he voluntarily stopped from the service. Therefore, there is no question of giving appointment to the service as Noon Meal Organizer to the petitioner. Therefore, both the respondents were seeking prayer of this Court to dismiss the said writ petition.

6. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

7. Admittedly, the petitioner was engaged on 25.09.1985 temporarily on consolidated basis till 31.05.1995 as "Noon Meal Organizer". But the case of the petitioner is that the petitioner was suspended from the service. The respondent has stated that the petitioner himself stayed away from the service and no order of suspension by orally or written was not issued by the petitioner. Therefore, there is no question of providing

appointment to the petitioner. Though the petitioner was given various representations on three occasions on 22.01.2003, 27.02.2004 and 04.12.2007. But the counter filed by the second respondent there was no mentioning about the representations made by the learned counsel for the 1st respondent has also not produced any order about the consideration to the petitioner's representation, which was sent to both the respondents. Therefore, I am inclined to pass the following order:-

(a) Accordingly, this writ petition is disposed of.

(b) The first respondent is directed to consider the petitioner's representations dated 22.01.2003, 27.02.2004 and 04.12.2007 by giving personal opportunity to the petitioner and to pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

(c) The respondents are directed to dispose the petitioner's representations if it is available on record or any proof filed by the petitioner for his representations sent to the respondents.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msm

To

1. The District Collector,
Vellore, Vellore District.
2. The Commissioner,
Nattrampalli Panchayat Union,
Thirupattur Taluk,
Vellore District.

+1cc to Mr.R.Thirugnanam, Advocate, S.R.No.51074

+1cc to the Government Pleader, S.R.No.52435

W.P.No.8629 of 2009

NRL(CO)

CS/05/09/18