

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.09.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.15853 of 2018

P.Anbalagan

....Petitioner

Vs

1. The District Collector,
o/o Collectorate,
Kancheepuram.
2. The Block Development Officer,
Walajabad Union,
Walajabad,
Kancheepuram District. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to consider the petitioner's representation dated 09.10.2017.

For Petitioner : Mr.T.S.N.Prabhakaran

For Respondents : Mrs.Thangavadhana Balakrishnan,
Additional Government Pleader For R1
Mr.N.Sakthivel,
Additional Government Pleader For R2

ORDER

The case of the petitioner is that he was appointed as Clerk on 28.02.1997 by the first respondent and later promoted to the post of Panchayat Secretary of Muthialpet Panchayat under the second respondent. While serving as Panchayat Secretary, being a scheduled caste candidate, in order to contest in the election of 2016 for the post of President of the said panchayat, which was earmarked for scheduled caste candidate, he resigned from service. After acceptance of his resignation, he having responsibility to support his family comprises of 3 children, changed his mind not to contest the election and as such he made a representation to the Collector to re-appoint him on compassionate ground. Such representation has been given to the Collector on 09.10.2017, but the same having not been considered, he

has come to this Court seeking a direction to the Collector to take a decision on his representation.

2. The learned counsel for the petitioner submits that the petitioner being a poor person and the Collector having Authority to reemploy a person in an appropriate case even after accepting the resignation, the first respondent be directed to consider his representation sympathetically, especially taking note of the fact that the petitioner is a person belonging to low status and being the only person to support his family.

3. The learned counsel appearing for the first respondent submits that the petitioner having resigned from service which has been accepted, has no case and as such no writ be issued directing the respondent No.1 that is the Collector, to consider his representation. The learned counsel appearing for the second respondent that is the Block Development Officer submits that the second respondent has nothing to do in this matter since the representation has been given to the first respondent.

4. Regard being had to the aforesaid facts and submissions made in this case, especially the submissions of the learned counsel for the petitioner that the employer even after acceptance of the resignation, if so desired, can allow the person to continue in the service by issuing necessary orders on the terms and conditions as it may deem it fit and proper and also the submission of the learned counsel appearing for the petitioner that the petitioner shall not claim for continuity of service and whatever terms and conditions the Collector may decide, he will abide by the same if the re-employment is given, this court direct the Collector that is the first respondent to take an informed and considered decision on the representation of the petitioner taking note of the aforesaid plight of the petitioner in a sympathetic manner, if the law empowers the Collector concerned to give such re-employment to the petitioner and he is otherwise not disqualified for such re-employment. However, such decision be taken within a period of three months from the date of receipt of a copy of this Order.

5. With the aforesaid order, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

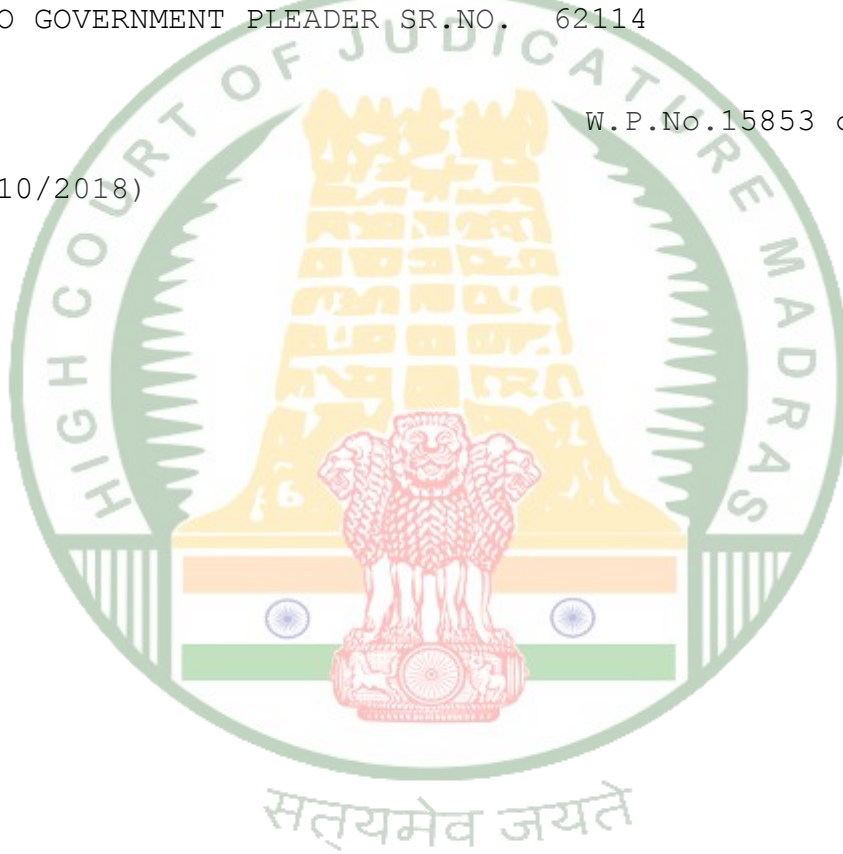
1. The District Collector,
o/o Collectorate,
Kancheepuram.
2. The Block Development Officer,
Walajabad Union,
Walajabad,
Kancheepuram District.

+1cc to Mr.T.S.N.Prabhakaran , Advocate SR.No. 61870

+1 CC TO GOVERNMENT PLEADER SR.NO. 62114

W.P.No.15853 of 2018

ASK(11/10/2018)



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