

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.07.2018

Coram

The Hon'ble Mr.Justice Satrugghana Pujahari

Writ Petition No.16516 of 2018

N.Nethaji

...Petitioner

Vs.

1. The Secretary to Government of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai- 600 009.
2. The Commissioner of Technical Education,
53, Sardar Patel Road, Guindy,
Chennai - 600 025.
3. The Merger Committee,
Directorate of Technical Education,
53, Sardar Patel Road, Guindy,
Chennai - 600 025.
4. The Commissioner of Sugar,
Periyar Building,
690, Anna Salai, Nandanam,
Chennai - 600 035.

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5. The Managing Director-Cum-Chairman,
Dharmapuri District Co-operative,
Sugar Mills Polytechnic College,
Palacode, Dharmapuri - 636 808.

6. The Principal,
Government Polytechnic College,
Co-operative Sugar Mills Campus,
Palacode, Dharmapuri - 636 808.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the fifth respondent to dispose of the petitioner's representation dated 27.03.2018 and 18.06.2018 requesting to grant NOC to the petitioner by countersigning the deed of undertaking forthwith, as, due to inaction on the part of the fifth respondent, the petitioner has been kept away from service without compliance of principles of natural justice.

For Petitioner : Mr.S. Sathiaselvan

For Respondents 1-3 : Mrs.P.Kavitha
Government Advocate

For Respondents 4 and 5 : Mr. L.P.Shanmugasundaram
Special Government Pleader

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ORDER

Heard Mr.S.Sathiaselvan, the learned counsel appearing for the petitioner, Mrs.P.Kavitha, the learned Government Advocate, who accepts

notice on behalf of the respondents 1 to 3 and Mr.L.P.Shanmugasundaram, the learned Special Government Pleader, who accepts notice on behalf of the respondents 4 and 5. Since the Writ Petition is disposed of, at the admission stage itself, and considering the nature of order that is to be passed herein, this Court is of the view that notice to the sixth respondent could be dispensed with. Accordingly, it is dispensed with.

2. The grievance of the petitioner in this Writ Petition is that, initially, the petitioner was working in a Private Polytechnic College, named as "Dharmapuri District Co-operative Sugar Mills Ltd. ", governed by the fifth respondent, which was later taken over by the Government. After such transformation, the petitioner has not been absorbed in service in the Government Institution, as no objection has not been given by the fifth respondent for such absorption. The aforesaid inaction of the fifth respondent is vindictive one, and as such, the petitioner has filed Writ Petitions in W.P.Nos.4927, 4928 and 4929 of 2017, challenging the pay parity against the fifth respondent, while he was working and the said Writ Petitions are pending. The petitioner in this regard, however, made a representation to the fifth respondent dated 27.03.2018, followed by

reminder, dated 18.06.2018. But the fifth respondent is guilty of inaction, inasmuch as, no decision has been taken on such representation as yet. Hence, the petitioner has come to file to this Writ Petition seeking issuance of a writ of mandamus, directing the fifth respondent to take an informed and considered decision on his representation and issue NOC.

3. Considering the limited scope of the prayer made by the petitioner, no useful purpose would be served by asking the respondents to file their reply affidavit to the Writ Petition, inasmuch as, the aforesaid relief can be granted in the absence of the counter affidavit, which is no way prejudicial to the respondents. The learned counsel for the respondents, more particularly, for the fifth respondent, has no objection to pass orders on the representation of the petitioner in accordance with law, if the same is pending as yet. But, requests that some time may be granted to the fifth respondent to dispose of such representation.

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4. After hearing the learned counsel appearing for the parties and going through the materials on record, especially, the relief sought for in this Writ Petition, this Court disposes of this Writ Petition at the stage of

admission with a direction to the fifth respondent to take an informed and considered decision on the representation of the petitioner, dated 27.03.2018, followed by reminder, dated 18.06.2018, if the same are pending within a period of four weeks from the date of receipt of a copy of this order. No costs.

05.07.2018

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Index : yes/no

Speaking Order/Non speaking

Note i) Issue a copy of this order
on or before 06.07.2018

To

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Satrughana Pujahari, J.,

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