



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.04.2018
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8163 of 2018

V.Needhimani : Petitioner

Vs.

The District Collector,
Trichy District,
Trichy - 620 001.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to cancel petitioner's dismissal of service and re-appointment him as Noon Meal organiser and also grant him all his service benefits by considering petitioner's representation dated 20.11.2017.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mrs.S.Srimathy,
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondent to cancel petitioner's dismissal of service and re-appoint him as Noon Meal organiser and also to grant him all his service benefits by considering petitioner's representation dated 20.11.2017.

3.Heard Mr.A.Haja Mohideen, learned Counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondent.

4.The grievance of the petitioner is that the petitioner was dismissed from service by order dated 18.01.1999, for the alleged reason of unauthorized absence for long years and in spite of show cause notice given to the petitioner for his unauthorized absence, there was no response by the petitioner and therefore, he was dismissed from service.

5.However, the learned Counsel appearing for the petitioner would submit that because of medical disablement, he was not able to attend the work. However, there is no whisper about the said reason as allegedly given by the petitioner, anywhere mentioned in the order of dismissal dated 18.01.1999.

6. However, the learned Counsel appearing for the petitioner would submit that requesting to reappoint him in the original post, the petitioner had given a representation dated 20.11.2017 to the respondent. However, the same has not so far been disposed of.

7. I have heard the learned Special Government Pleader appearing for the respondent in this regard.

8. Since, the petitioner has been removed from service for the alleged long unauthorized absence, this Court do not want to go into the details and merits of the case. However, since the petitioner had given representation through the concerned Panchayat Union Commissioner to the respondent, the same can be considered and an order can be passed thereon.

9. In the result, the writ petition is disposed of with the consent of both sides with the following direction:

9.1. The petitioner's request / representation dated 20.11.2017, made to the Panchayat Union Commissioner concerned as a response to the respondent, can be considered by the respondent and an order to that effect shall be passed on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above direction, the writ petition stands disposed of. However, in the facts and circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar (Cr1.Side)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Trichy District,
Trichy - 620 001.

+1cc to Mr.A.Haja Mohiden, Advocate, SR.No.61484
+1cc to The Special Government Pleader, SR.No.61610
MR
RL/4C/2P/JC/SAR2/3/5/2018

ORDER MADE IN
W.P. (MD) No.8163 of 2018
16.04.2018