



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.8241 of 2018

D.Manickaraj

... Petitioner

Vs.

- 1.State of Tamil Nadu
rep. by its Secretary,
Finance Department,
Secretariat, Chennai.
- 2.State of Tamil Nadu
rep. by its Secretary,
Revenue Department,
Omanthoorar Government Estate,
Chennai - 06.
- 3.State of Tamil Nadu,
rep. by its Secretary,
Personnel & Administrative
Reforms Department,
Omanthoorar Government Estate,
Chennai - 06.
- 4.The Secretary,
Tamil Nadu Public Service Commission,
Greenways Road, Chennai.
- 5.The District Collector,
Collectorate,
Thanjavur, Thanjavur District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.1 to pass orders on the petitioner's representation dated 01.07.2017 forwarded by the respondent No.5 vide the proceedings in Na.Ka.24541/2017Ee1, dated 28.07.2017 within the time stipulated by this Court.

For Petitioner	: Mr.S.Louis
For Respondents	: Mr.D.Muruganantham, AGP for RR1 to 3 and 5 Mr.K.K.Senthil for R4

O R D E R

The prayer in this writ petition is for a writ of mandamus, directing the respondent No.1 to pass orders on the petitioner's representation dated 01.07.2017 forwarded by the respondent No.5 vide the proceedings in Na.Ka.24541/2017Ee1, dated 28.07.2017 within the time stipulated by this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and 5 and the learned standing counsel appearing for the fourth respondent.

3. The grievance of the petitioner is that though he was selected by the fourth respondent Service Commission and was allotted to Thanjavur District, where the post was already surrendered, he was not immediately given posting and only after sometime, he was given posting and he has been working now from 21.07.2004 onwards. However, in the meanwhile, those who got appointed prior to 01.04.2004 have been included in the Tamil Nadu General Provident Fund Account, whereas the petitioner's name had not been included in the said account, since he joined service only on 21.07.2004. Therefore, seeking parity along with the similarly placed persons, the petitioner had given a representation to the fifth respondent on 01.07.2017 and the same was forwarded by the fifth respondent to the first respondent on 28.07.2017. Therefore, the petitioner's representation as forwarded by the fifth respondent has to be considered by the first respondent and orders to that effect to be passed. Therefore, the learned counsel for the petitioner would submit that if a direction to that effect is issued by this Court, the petitioner shall be satisfied.

4. I have heard the learned Additional Government Pleader appearing for the respondents 1 to 3 and 5 and the learned standing counsel appearing for the fourth respondent in this regard.

5. When a similar issue came up before this Court, this Court passed an order with the following direction:

"It is seen from the pleadings that the petitioner was selected the fourth respondent by Memorandum dated 24.08.2001. He was allotted Thanjavur District on 14.02.2002. Due to the post was surrendered by District Collector, he was not given appointment. After certain legal proceedings, the petitioner was allotted to Salem District by fourth respondent by Memorandum dated 16.07.2004 and the petitioner joined duty on 24.07.2004. The petitioner was selected in the year 2001 itself. Due to no fault of his, he was not given appointment till 16.07.2004. The persons who were selected along with the petitioner joined duty before 01.04.2003 and they were admitted in Tamil Nadu General Provident Fund Account. The seniority of the



petitioner also restored along with the persons who were selected in the year 2001. Taking into account that the petitioner was selected in the year 2001 and was allotted in Thanjavur District in the year 2002. But was given posting only on 16.07.2004 and the persons who were selected along with petitioner were admitted in Tamil Nadu General Provident Fund Account, the petitioner is also entitled to the same benefit."

6.This Court feels that the petitioner also can be considered similarly and therefore, a direction can be given to the first respondent to that effect.

7.In the circumstances, the first respondent is directed to consider the representation of the petitioner dated 01.07.2017 as forwarded by the fifth respondent dated 28.07.2017, in the light of the aforementioned judgment extracted above and pass orders thereon, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government, Finance Department,
State of Tamil Nadu, Secretariat, Chennai.
- 2.The Secretary, State of Tamil Nadu
Revenue Department,Omanthoorar Government Estate, Chennai - 06.
- 3.The Secretary, State of Tamil Nadu,
Personnel & Administrative Reforms Department,
Omanthoorar Government Estate, Chennai - 06.
- 4.The Secretary, Tamil Nadu Public Service Commission,
Greenways Road, Chennai.
- 5.The District Collector, Collectorate, Thanjavur,
Thanjavur District.

+1CC to Mr.S.Louis, Advocate, SR.No. 61474

+1CC to Mr.K.K.Senthil, Advocate, SR.No. 61576

+1CC to the Special Government Pleader SR.No.61624

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