

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 16.04.2018****CORAM :****THE HONOURABLE MR.JUSTICE R.SURESH KUMAR****W.P(MD)No.8252 of 2018**

K.Murugesan

... Petitioner

Vs.

1. The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.

2. The District Collector,
Madurai District,
Madurai - 625 020.

3. The District Adi Dravidar and Tribal
Welfare Officer,
Collectorate Complex,
Madurai - 625 020.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent i.e. the Principal Secretary to government, Revenue Department, Chennai to instruct the second and third respondents i.e. the District Collector, Madurai and the Adi-Dravidar Tribal Welfare Officer, Madurai to take immediate action to treat the petitioner's period of absence from 16.11.2006 to 18.02.2014 as per Ruling 9 to Fundamental Rule 54 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Murugan, G.A.

O R D E R

The prayer in this writ petition is for a writ of mandamus, directing the first respondent i.e. the Principal Secretary to Government, Revenue Department, Chennai to instruct the second and third respondents i.e. the District Collector, Madurai and the Adi-Dravidar Tribal Welfare Officer, Madurai to take immediate action to treat the petitioner's period of absence from 16.11.2006 to 18.02.2014 as per Ruling 9 to Fundamental Rule 54 within a specified time frame that may be fixed by this Court.



2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. The learned counsel for the petitioner submits with regard to his grievance to regularise his period of absence from 16.11.2006 to 18.02.2014 that since the criminal case was acquitted and the petitioner was reinstated to service, his absence period from 16.11.2006 to 18.02.2014 shall be considered and treated under Rule 9 to Fundamental Rule 54 and if the representation submitted by the petitioner is directed to be considered and an order to that effect is passed, the petitioner shall be satisfied.

4. I have heard the learned Government Advocate appearing for the respondents in this regard, who shall submit that the petitioner's representation dated 08.03.2018 would be considered on merits and in accordance with law, within a time to be stipulated by this Court.

5. Having regard to the facts and circumstances of the case and after hearing both sides, this Court is inclined to pass the following order, by disposing the writ petition at the admission stage, with consent of both sides.

6. The first respondent is directed to consider the petitioner's representation dated 08.03.2018 with regard to his grievance for regularising his period of absence from 16.11.2006 to 18.02.2014 under the relevant rules, especially under Rule 9 to Fundamental Rule 54, on merits and in accordance with law, and a reasoned order to that effect shall be passed, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.

2. The District Collector,
Madurai District,
Madurai - 625 020.



3. The District Adi Dravidar and Tribal
Welfare Officer,
Collectorate Complex,
Madurai - 625 020.

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+1cc to Mr.S.Visvalingam, Advocate Sr.No.61427

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VB/SV/MMS/SAR2/04/05/2018/3P/5C

W.P (MD) No.8252 of 2018
16.04.2018