



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.9570 of 2018

and

CMP(MD) Nos. 8820 and 8821 of 2018

R.Pandian

: Petitioner

Vs.

The Joint Director,
Office of the Joint Director of Agriculture,
Tallakulam,
Madurai.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in connection with impugned order of termination passed by him in his proceedings in No.Pani 4/3654 / 2014 dated 01/06/2017 and quash the same as illegal and arbitrary in so far as the petitioner is concerned and consequently direct the respondent to allow him continue to discharge his duty as Jeep driver in any of the vacant place in the respondent department within the time limit that may be stipulated by this Honourable Court.

For Petitioner

: Mr.G.Thalaimutharasu

For Respondent

: Mr.D.Muruganantham

Additional 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 Certiorarified Mandamus to call for the records on the file of the respondent in connection with impugned order of termination passed by him in his proceedings in No.Pani 4/3654 / 2014 dated 01/06/2017 and quash the same as illegal and arbitrary in so far as the petitioner is concerned and consequently direct the respondent to allow him to continue to discharge his duty as Jeep driver in any of the vacant place in the respondent department within the time limit that may be stipulated by this Honourable Court.

3.Heard Mr.G.Thalaimutharasu, learned Counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondent.



4. Learned Counsel appearing for the petitioner would submit that even though, a larger prayer has been sought for seeking a Writ of Certiorari Mandamus, to call for the records and quash the order of termination passed against the petitioner on 01.06.2017, the learned Counsel for the petitioner would submit that the petitioner would confine his prayer only for a direction to the respondent to consider his representation dated 10.01.2018 for the following reasons:

4.1. Even though the petitioner was appointed on adhoc basis as Driver or daily wage basis Driver at the respondent office and has been working all along, while so, along with the petitioner, similar other Drivers have been terminated en masse on 01.06.2017 by way of impugned order.

4.2. Though such order was passed on 01.06.2017, services of the petitioner and others have not been dispensed with. Therefore, the petitioner continued to work with the respondent office as Driver. In order to show the evidence that the petitioner had been working continuously till December 2017, the petitioner has produced the salary credit made in the bank account of the petitioner, according to which, the petitioner had been given salary upto 21.12.2017. Thereafter, the petitioner was not permitted to work abruptly. However, subsequently, based on the request and representation made by the similarly placed Drivers, who were also terminated or suspended along with the petitioner by impugned order dated 01.06.2017, all of them had been taken back by the respondent office and they have been continuously working now.

4.3. However, that benefit given to other Drivers or the gestures shown to them had not been given or extended to the petitioner alone.

4.4. The petitioner had given representation on 21.12.2017 immediately, on the date on which his service was dispensed with and subsequently, on 10.01.2018 to the respondent. However, none of the representations had yielded any desired result, as nothing was forthcoming from the respondent.

5. The learned Counsel for the petitioner would submit that if a direction is given to the respondent to consider the petitioner's representations by taking into account the benefits, which were extended to other similarly placed Drivers or who were also similarly terminated along with the petitioner through the impugned order dated 01.06.2017 and an order to that effect is directed to be passed within a time frame that may be stipulated by the respondent, the petitioner would be satisfied.



6.I have heard the learned Additional Government Pleader appearing for the respondent in this regard.

7.The learned Additional Government Pleader would submit that without going into the merits or the veracity of the impugned order dated 01.06.2017, the representations given by the petitioner dated 21.12.2017 and 10.01.2018 shall be considered by the respondent within a time frame that may be fixed by this Court, on merits and in accordance with law and an order to that effect shall be passed.

8.Considering the submissions made by the learned Counsel appearing on both sides, this writ petition is disposed of with the following direction:

8.1.The petitioner's representations dated 21.12.2017 as well as 10.01.2018 shall be considered by the respondent by taking into account that the similarly placed adhoc Drivers, who were also terminated or their services have been dispensed with along with the petitioner, since have been taken back for job by the respondent office and considering the request of the petitioner also, as he has set out in his representations referred to above and pass orders thereon on merits and in accordance with law with regard to his re-engagement to the said job on par with other similarly placed persons, within a period of four weeks from the date of receipt of a copy of this order.

9.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To
The Joint Director,
Office of the Joint Director of Agriculture,
Tallakulam,
Madurai.

+1cc to Mr.G.Thalaimutharasu, Advocate Sr.No.64345
+1cc to Spl.Government Pleader Sr.No.64483

DSK
VB/RSK/SAR1/31.05.2018/3P/4C