



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.13592 of 2018

T.Murugan

... Petitioner

-Vs-

1. The Principal Secretary and Commissioner,
Land Survey and Settlement (Survey),
Chennai-5.
2. The Additional Director,
Land Survey and Settlement (Survey),
Chennai-5.
3. The Regional Deputy Director,
Survey and Land Records,
Madurai-625 020.
4. The Assistant Director (Additional Charge),
District Land Survey Office,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to pass orders on the petitioner's representation, dated 18.06.2018 praying to re-instate the petitioner by considering the petitioner's pass in the departmental Tests within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

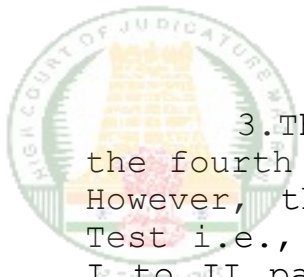
For Respondents : Mrs.S.Srimathy

Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the second respondent to pass orders on the petitioner's representation, dated 18.06.2018 praying to re-instate the petitioner by considering the petitioner's pass in the Departmental Tests within the time stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/> 2. Heard Mr.S.Louis, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.



3. The petitioner was working as Draftsman at the office of the fourth respondent and his service was regularised on 21.10.2009. However, the petitioner should complete and pass the Departmental Test i.e., Revenue Draftsman Test-I-IV papers and Computation Test-I to II papers, within a period of five years, from the date on which he was appointed. Since the petitioner had not completed those two Department Tests within a period of five years, he was discharged from service by proceedings of the fourth respondent, dated 13.07.2015. Subsequently, the petitioner claimed that he has completed the Departmental Tests successfully and the delay for his non-completion of the Departmental Tests, within the said period, is because of the death of his father and thereafter, he was suspended from service and thereafter, he was removed from service and therefore, because of the continuous blow on him, he could not concentrate and pass out the said Departmental Tests, within the said period of five years.

4. After completing the tests, the petitioner has given a representation on 18.06.2018 to the respondents, especially, the second respondent through the fourth respondent and in this regard, the learned counsel appearing for the petitioner would submit that if the said representation made by the petitioner dated 18.06.2018 is directed to be considered and an order to that effect is directed to be passed by the respondents within a time frame, the petitioner would be satisfied.

5. I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents who would submit that the said representation of the petitioner, dated 18.06.2018 would be considered on merits and in accordance with law within a time frame.

6. Considering the said submissions made by both sides and taking into consideration the limited scope of the writ petition, this Court is inclined to pass the following order:-

"that the respondents 2 and 4 are hereby directed to consider the said representation of the petitioner, dated 18.06.2018, with regard to his reinstatement and pass orders thereon, on merits and in accordance with law, 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 (Writs)

/True Copy/



To

1. The Principal Secretary and Commissioner,
Land Survey and Settlement (Survey),
Chennai-5.

2. The Additional Director,
Land Survey and Settlement (Survey),
Chennai-5.

3. The Regional Deputy Director,
Survey and Land Records,
Madurai-625 020.

4. The Assistant Director (Additional Charge),
District Land Survey Office,
Nagercoil,
Kanyakumari District.

+ 1 CC TO Mr.S.LOUIS, ADVOCATE IN SR No. 69894

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69955

RMI

TE/RP/SAR-4 : 16/07/2018 : 3P/7C

W.P. (MD) No.13592 of 2018
26.06.2018