



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.14665 of 2018

D.Joseph Raja Devaraj

... Petitioner

Vs.

1. The Government of Tamil Nadu
represented by its Secretary,
Labour and Employment Department,
Fort St. George, Chennai - 9.

2. The Director of Employment and Training
Industrial Estate, Guindy, Chennai - 32.

3. The Joint Director of Employment and Training,
Industrial Estate, Guindy, Chennai - 32.

4. The Correspondent,
CSI Art Industrial School of the TNDTA
(Tuticorin Nazareth Diocesan Trust
Association),
Nazareth, Tuticorin District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to approve the petitioner appointment as Workshop Assistant in 4th respondent Industrial School from 26.06.2003 and to disburse all service and monetary benefits based on the order of this Court in W.P.(MD) No.5252 of 2012 dated 04.09.2012 by considering the petitioner's representation dated 23.02.2018 within stipulated time.

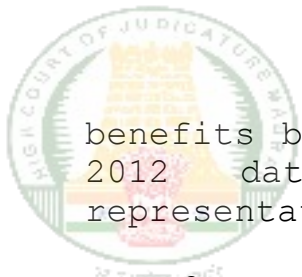
For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.M.Murugan, Government Advocate

1 to 3

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to approve the petitioner appointment as Workshop Assistant in 4th respondent Industrial School from 26.06.2003 and to disburse all service and monetary



benefits based on the order of this Court in W.P.(MD) No.5252 of 2012 dated 04.09.2012 by considering the petitioner's representation dated 23.02.2018 within stipulated time.

2. Heard Mr.T.A.Ebenezer, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 3. Since, no adverse order is going to be passed against the fourth respondent, notice to the fourth respondent is dispensed with.

3. The petitioner was appointed as Workshop Assistant at the fourth respondent Institute on 26.06.2003. From that date, he had been working there. Since the proposal for approval of the said appointment dated 12.12.2003 was returned or rejected by the official respondents in the year 2004 by order dated 26.03.2004, the same was challenged before this Court in W.P.(MD) No.5252 of 2012. The said writ petition was tagged along with the batch of writ petitions in W.P.(MD) No.5243 of 2012 etc. batch. The learned Judge of this Court, by order dated 04.09.2012, allowed those writ petitions including the writ petition filed by the petitioner. However, after long years, the relief sought for by the petitioner even though had been granted by this Court, the respondent have not approved the appointment of the petitioner. Therefore, the petitioner had given a representation to the respondents, especially, the second respondent on 23.12.2018. Therefore, the learned counsel appearing for the petitioner would submit that if the said representation of the petitioner dated 23.02.2018 is directed to be considered and an order on merit based on the earlier order of this Court is directed to be passed by the second respondent, within a time frame, the petitioner would be satisfied.

4. I have heard the learned Government Advocate appearing for the official respondents, who would submit that the said representation of the petitioner dated 23.02.2018 would be considered and decided on merits by the second respondent, within a time frame.

5. In view of the said submissions made by both sides and taking into account the facts of this case, this Court is inclined to pass the following order:

"The second respondent is directed to consider the representation of the petitioner dated 23.02.2018, in the light of the order passed by this Court in W.P.(MD) No.5252 of 2012 dated 04.09.2012 and pass orders thereon, with regard to the proposal for approval of the appointment of the petitioner as forwarded by the fourth respondent and pass orders thereon, on merits and in accordance with law, within a period of six weeks from



the date of receipt of a copy of this order."

6. This writ petition is disposed of with the above direction.
No costs.

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Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Secretary to Government,
Government of Tamil Nadu
Labour and Employment Department,
Fort St. George, Chennai - 9.
 2. The Director of Employment and Training
Industrial Estate, Guindy, Chennai - 32.
 3. The Joint Director of Employment and Training,
Industrial Estate, Guindy, Chennai - 32.
- + 1 CC TO Mr.T.A.EBENEZER, ADVOCATE IN SR No. 71740
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 71820

ARUL

TE/PM/SAR-4 : 29/10/2018 : 3P/6C

W.P(MD)No.14665 of 2018
09.07.2018