



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD).Nos.15644 to 15646 of 2018

N.Akbar Sha	... Petitioner in W.P.(MD).No.15644 of 2018
K.Stalin Prabhu	... Petitioner in W.P.(MD).No.15645 of 2018
C.Boomi Raja	... Petitioner in W.P.(MD).No.15646 of 2018

Vs.

1. The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai 600 005.
2. The District Collector,
Virudhunagar District,
Virudhunagar. ... Respondents in all W.Ps.

PRAYER: The Writ Petitions are filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent i.e., the Additional Chief Secretary and Commissioner of Revenue Administration, Chennai to pass appropriate orders on the petitioners' appeal dated 25.05.2018, in the light of G.O.Ms.No.1499 Labour and Employment Department, dated 03.08.1989 and order in W.P.(MD).No.69 of 2010, dated 22.04.2010, within a specified time frame that may be fixed by this Court.

For Petitioners : Mr.S.Visvalingam

For Respondents : Mr.K.Saravanan
Government Advocate

COMMON ORDER

The prayer sought for in these writ petitions is for a Writ of Mandamus directing the first respondent i.e., the Additional Chief Secretary and Commissioner of Revenue Administration, Chennai to pass appropriate orders on the petitioners' appeal dated 25.05.2018,



in the light of G.O.Ms.No.1499 Labour and Employment Department, dated 03.08.1989 and order in W.P.(MD).No.69 of 2010, dated 22.04.2010, within a specified time frame that may be fixed by this Court.

2. Heard Mr.S.Visvalingam, learned counsel appearing for the petitioners and Mr.K.Saravanan, learned Government Advocate appearing for the respondents.

3. The learned counsel for the petitioners would submit that, the petitioners are working as Record Clerk in the Office of the Thasildar, Virudhunagar. Originally, the petitioners were appointed as Office Assistant on compassionate ground, by order dated 27.03.2012 and they joined duty on 02.04.2012. Thereafter, they were promoted as Record Clerk on 22.07.2016. Though the petitioners were qualified to hold the post of Junior Assistant even at the time of considering them on compassionate appointment and vacancies were available in the Unit, the petitioners were not considered to be appointed as Junior Assistant. Therefore, in this regard, the petitioners, in view of the relevant Government Order which was issued in G.O.Ms.No.1499 Labour and Employment Department, dated 03.08.1989 and the order passed by this Court in W.P.(MD).No.69 of 2010, dated 22.04.2010, had made a request to the second respondent to consider their candidature for appointment to the post of Junior Assistant as number of others had been considered for such appointment after the appointment of the petitioner. The said request of the petitioners was rejected by the second respondent on 20.12.2017. Aggrieved by the same, the petitioners preferred appeal to the first respondent on 25.05.2018 and the said appeal is still pending before the first respondent. Therefore, the learned counsel for the petitioners would submit that if a direction is given to the first respondent to decide the said appeal of the petitioners dated 25.05.2018, within a time frame on merits, the petitioners would be satisfied.

4. I have heard the learned Government Advocate appearing for the respondents, who would submit that the said appeal filed by the petitioners dated 25.05.2018 would be considered on merits and in accordance with law within a time frame.

5. Considering the said submissions made by both sides and also taking into account the factual matrix of this case, this Court is inclined to pass the following order

that the first respondent is directed to consider the appeal filed by the petitioners dated 25.05.2018, against the order passed by the second respondent, dated 20.12.2017, with regard to the grievance of the petitioners for considering their candidature for appointment to the post of Junior Assistant in commensurate with their educational qualification, 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.



6. With these directions, these Writ Petitions are disposed of.
No costs.

WEB COPY

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai 600 005.
2. The District Collector,
Virudhunagar District,
Virudhunagar.

+ 3 CC TO Mr.S.VISVALINGAM, ADVOCATE IN SR No. 73476, 73474 & 73475
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 73852

AKV

TE/BK/SAR-4 : 07/12/2018 : 3P/7C

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