

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 9539 of 2018

G.Jeelandran

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying and
Fisheries (Poultry) Department,
Fort St.George,
Chennai - 600 009.

2. The Director,
Animal Husbandry and Veterinary Services,
Chennai - 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ order or direction
in the nature of writ of Mandamus, directing the respondents to
consider petitioner's representation dated 18.01.2018 and
dispose in accordance with law on the file of the 1st respondent.

For Petitioner : Mr.Sairaman

For Respondents : Mrs.R.Janaki,
Additional Government Pleader.

सत्यमेव जयते
O R D E R

The prayer sought for in this Writ Petition is for issuance
of a Writ of Mandamus, directing the respondents to consider
petitioner's representation dated 18.01.2018 and dispose in
accordance with law on the file of the 1st respondent.

2. The case of the petitioner is that he was appointed as
Junior Masdoor (Cycle Boy) from 09.03.1981 in Tamil Nadu Poultry
Development Corporation and he was dismissed from service
without observing any legal formalities and natural justice. The
petitioner challenged the dismissal order before the Labour
Court, Chennai in I.D.No. 1002/92 and the same was allowed and
the Labour Court directed the Management to reinstate with full

backwages. Against which, the Tamil Nadu Poultry Development Corporation, Chennai has preferred Writ Petition in W.P.No. 16197 of 1997 and this Court pleased to modify the backwages as 75% instead of 100% and other aspects has been confirmed.

3. The petitioner filed Claim Petition before the Labour Court for claiming backwages. After a long struggle the Government passed an order by way of G.O.(Ms).No. 172, dated 22.11.2016. The above said G.O. the petitioner has received backwages. However, the petitioner has not obtained the benefit as per the order of the Labour Court as well as the High Court regarding reinstatement. Now the question of reinstatement does not arise, since the petitioner was over aged. However, the petitioner legally entitled for pension and other monetary benefits.

4. The petitioner has requested the respondents to regularise petitioner's service and sanction pension. The said requests by way of representation by the petitioner dated 18.01.2018 and the same was acknowledged by the respondents. The first respondent has to pass appropriate orders based upon the petitioner's representation. The respondents failed to discharge their official duty. Hence the present writ petition.

5. The learned counsel for the petitioner would now submit that it would be suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 18.01.2018 within a time frame.

6. Without expressing any opinion on merits, I am inclined to issue a direction to the respondents to dispose of the Writ Petitioner's representation dated 18.01.2018, within a period of twelve weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kmm
To

1. The Secretary to Government,
State of Tamil Nadu,
Animal Husbandry, Dairying and
Fisheries (Poultry) Department,
Fort St.George,
Chennai - 600 009.

2. The Director,
Animal Husbandry and Veterinary Services,
Chennai - 600 006.

+1cc to Mr.S.Sairaman, Advocate Sr.78349
+1cc to the Government Pleader Sr.78447

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mp[co]
srg 11/12/2019



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