

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.25572 of 2014

1. S.Anbu Selvan
2. ***D.Mahbu Basha**
3. A.D.Surendar
4. R.Meganathan
5. G.Murugan

... Petitioners

Vs.

1. The State of Tamilnadu,
Rep. by its Secretary,
Tamil Development & Information Department,
Secretariat, Chennai - 600 009.
2. The Director of Information and Public Relations,
Information Department, 8th Floor,
Secretariat, Chennai - 600 009.

.. Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the orders No.13649/Thi.Tho.1/2013-1, dated 17.09.2013 issued by the 1st respondent, quash the same and consequently, direct the respondents to grant employment to the petitioners on the basis of G.O.No.27, dated 24.01.2007 with attendant benefits due to the petitioners after counting the earlier service and award costs.

For Petitioners : Mr.R.Karthikeyan

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the orders No.13649/Thi.Tho.1/2013-1, dated 17.09.2013 issued by the 1st respondent, quash the same and consequently, direct the respondents to grant employment to the

petitioners on the basis of G.O.No.27, Finance (BPE) Department, dated 24.01.2007 with attendant benefits due to the petitioners after counting the earlier service and award costs.

2. According to the petitioners, they were appointed as Electrical Supervisor, Wireman and Electrical Helper respectively in the Tamil Nadu Film Development Corporation Limited through the Employment Exchange in the year 1994 and the said appointments were regular and in time scale of pay. The services of the petitioners were regularized with effect from the date of recruitment. In the year 2002, the Corporation was directed to be closed and all the petitioners were forced to resign their respective posts and not voluntary. Hence, the petitioners made a representation before the respondents for redeployment, but, in the impugned order, the Government has rejected the said claim of the petitioners based on G.O.No.27, Finance (BPE) Department, dated 24.01.2007.

3. The learned counsel appearing for the petitioners further submitted that the said representation of the petitioners has not been considered by the respondents and they have passed a cryptic and non-speaking order without stating any reason. Hence, the learned counsel submitted that the impugned order is liable to be set aside.

4. The learned Special Government Pleader submitted that the petitioners have voluntarily resigned their posts and therefore, are not entitled to re-engagement in the Corporation.

5. But, the learned Special Government Pleader has not disputed that the impugned order passed by the Government is not in detail and not discussed the representation of the petitioners.

6. A perusal of the impugned order, it clearly shows that the respondents have passed a cryptic and non-speaking order and no reasons and any other materials have been placed.

7. In view of the above, this Court has no hesitation to quash the impugned order No.13649/Thi.Tho.1/2013-1, dated 17.09.2013, and the same is quashed and remanded to the first respondent/Secretary, Tamil Development & Information Department, Chennai, to consider and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)
Dated:02/04/2019

*Amended as per order
dated 20/11/2019 made
in WMP No.13287 of 2019
in W.P.No.25572 of 2014
Sd/-
Assistant Registrar(CS III)
Dated:04/02/2020

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Tamil Development &
Information Department,
Secretariat,
Chennai - 600 009. Amended order to be substituted
for the order already
despatched on 03/04/2019
2. The Director of Information
and Public Relations,
Information Department, 8th Floor,
Secretariat, Chennai - 600 009.

+2ccs to Mr.R.Karthikeyan, Advocate, S.R.No.29871

सत्यमेव जयते

W.P.No.25572 of 2014

PMS (CO)
SSM(02/04/2019).
Srg 05/02/2020

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