



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 28209 of 2019

D.Suresh

..Petitioner

Vs

1. The Flag Officer, Commanding - in - Chief,
(CCTO)
Head Quarters Eastern Naval Command,
Vizagapattinam - 530014.

2. The Commanding Officer,
INS Rajali-Naval Air Station,
Arakkonam, Vellore District.

3. The Additional Secretary to Government,
Public (Military) Department-3,
Secretariat, Fort St.George, Chennai - 9.

4. The District Collector,
Vellore District, Vellore.

.. 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 Certiorarified Mandamus, calling for the records of the 2nd respondent in his Quoting No.266/7C/01 dated 30.08.2017 and quash that portion of the order which keeps in abeyance the petitioner's provisional appointment for the post of Cook in the defense Civilian Service and direct the 2nd respondent to approve the petitioner's provisional appointment for the post of Cook as per the 2nd respondent proceedings dated 10.08.2017.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mrs.R.Janaki,
Additional Government Pleader
for R2 to R4.

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his Quoting No.266/7C/01 dated



30.08.2017 and quash that portion of the order which keeps in abeyance the petitioner's provisional appointment for the post of Cook in the defense Civilian Service and direct the 2nd respondent to approve the petitioner's provisional appointment for the post of Cook as per the 2nd respondent proceedings dated 10.08.2017.

2. The case of the petitioner is that the mother's property was acquired under Award No.8 of 1988 for Naval Air Station. Thereafter, the 4th respondent had also issued a land looser certificate in favour of the petitioner's mother D.Bharathi. Therefore, the petitioner applied to the 3rd respondent for employment under land looser scheme as his name was sponsored by his mother who was the owner of the acquired land.

3. The petitioner's grandmother Sarojammal was also land looser under the very same award. As the petitioner's elder brother D.Raja was brought up by the petitioner's grandparents, the petitioner's grandmother had nominated petitioner's brother D.Raja for employment on behalf of her family. The petitioner's brother D.Raja was appointed by the 2nd respondent as a Trades man on 24.11.2014, but immediately left his employment.

4. The 2nd respondent by an letter dated 26.10.2016 called upon the petitioner to be present on 15/16 November 2016 for document verification and also to participate in the written examination to be held on 21.11.2016. Thereafter, by an proceedings dated 10.08.2017, the second respondent called upon the petitioner to appear on 21.08.2017 along with the required testimonials. On 30.08.2017, the petitioner was informed that he was provisionally selected for the post of Cook. However, by the very same proceedings dated 30.08.2017, the second respondent entertained a doubt pertaining to the earlier appointment to the petitioner's brother D.Raja and sought necessary clarification from the 4th respondent herein.

5. The petitioner submitted a representation dated 04.09.2017 to the respondents to take necessary action in this regard and submit a report to the second respondent. However, since no report had been filed, the petitioner submitted his reminder dated 24.10.2017 to the second respondent. As the petitioner's representation is pending, he approached this Court in W.P.No. 31548 of 2017 to dispose of representation and the same was allowed on 06.12.2017.

6. On 24.04.2018, the 4th respondent forwarded his report to the second respondent stating that he was genuine and he was legally entitled to appointment under the category of land looser. On 16.05.2018, the second respondent sought for certain clarifications from the 4th respondent. As the second respondent



had not favourably accepted the 4th respondent report dated 24.04.2018, the 4th respondent addressed the 3rd respondent requesting him to take up the issue with the Naval Authorities.

7. On 03.08.2019, the petitioner submitted a representation to the 3rd respondent requesting him to address the naval authorities regarding employment. As there was no response from the 3rd respondent, once again on 28.08.2019, the petitioner addressed the respondents requesting that the provisional appointment to the post of Cook be approved and necessary appointment orders may be issued at the earliest. However, the same is still pending. Hence the present writ petition is filed.

8. A perusal of the impugned order reveals that the petitioner's brother has already been appointed as a Tradesman and hence the petitioner's provisional appointment in the post of Cook is kept in abeyance till receipt of verification report from the District Collector.

9. In the absence of any material, this Court is not inclined to interfere with the impugned order and this Court directs the 3rd respondent to pass appropriate orders on the representation dated 03.08.2019 within a period of twelve weeks from the date of receipt of a copy of this order.

10. Accordingly, the present writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

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(CCTO)
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Vizagapattinam - 530014.

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3. The Additional Secretary to Government,
Public (Military) Department-3,
Secretariat, Fort St.George, Chennai - 9.



4. The District Collector,
Vellore District, Vellore.

+1cc to Mr.G.Jeremiah, Advocate, S.R.No. 82607

+1cc to the Government Pleader, S.R.No. 82806

W.P.No. 28209 of 2019

NRL (CO)
GN (22/01/2020)