

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28190 of 2019
and WMP.No.27856 of 2019

S.Kamatchi

... Petitioner

Vs.

1.The District Adi Dravidar Welfare Officer,
Salem District,
Salem-1.

2.The Special Tahsildhar (ADW),
Attur Taluk 636 102,
Salem District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, with direction by fixing outer time limit for implementation of the orders passed in the writ petition in W.P.No.546 of 2018 etc batch cases dated 22.02.2019 and to allow the petitioner to continue to work as Cook in Adi Dravidar Welfare Department with payment of salary based on the orders of appointment issued by the first respondent in Na.Ka.No.32623/2011/D4 dated 03.03.2016.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.R.S.Selvam,
Government Advocate.

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner was appointed as Sweeper in Government ADW College Women Hostel, Vadasennimalai, Attur Taluk, Salem District through employment exchange on a consolidated pay of Rs.2,000 as per the proceedings of 1st respondent dated 18.05.2012. While so, the 1st respondent notified vacancies to the post of Cook in Adi Dravidar Welfare Department in Salem District through paper advertisement in the month of August 2015. The petitioner's name was also sponsored through Employment Exchange for the said post. However, the respondents have not considered the petitioner for the said post. Therefore,

the petitioner and similarly placed persons filed a writ petition in W.P.No.36556 of 2015 and this Court by an order dated 17.11.2015 directed the respondents to consider the representation. Consequently, the petitioner was issued with an order of appointment to the post of Cook vide proceedings of the 1st respondent dated 03.03.2016 and the petitioner also joined the said post on 04.03.2016 and continued to work there. All of a sudden, the 2nd respondent issued an order dated 23.12.2017 stating that the petitioner was relieved from the post of Cook on administrative grounds for obtaining posting orders. Though the petitioner filed W.P.No.546 of 2018, challenging the order dated 23.12.2017 and obtained an order of interim stay, the petitioner was not allowed to continue in the post of cook. Therefore, the petitioner filed a Contempt Petition No.418 of 2018. Pending contempt petition, the petitioner was reinstated into service and was posted at Government ADW College Women Hostel, Vadasennimalai, Attur Taluk, Salem District by proceedings of the 1st respondent dated 02.03.2018 and the contempt petition was closed. Thereafter, the writ petition came up for final hearing along with batch of writ petitions on 22.02.2019 and this Court passed the following order:

"17.This being the factum, the writ petitioners are at liberty to approach the District Adi Dravidar and Tribal Welfare Officer pursuant to the impugned order and submit their explanations/objections regarding their respective appointment and on receipt of those explanations/objections, the District Adi Dravidar and tribal Welfare Officer is empowered to consider the materials available on record as well the explanations submitted by the writ petitioners and take a decision and pass speaking order."

Since, no orders have been passed, the petitioner has submitted a detailed representation to the District Adi Dravidar Welfare Officer on 21.05.2019. The further grievance of the petitioner is that though he was reinstated into service on 02.03.2018 and continued to work as Cook, she was not paid with salary from August 2018 onwards. Therefore, the petitioner has filed another Contempt Petition in C.P.No.1268 of 2019, wherein on the hearing dated on 20.09.2019, the learned counsel for the respondents therein submitted that there is no time limit prescribed in the orders passed in W.P.No.546 of 2018 dated 22.02.2019 and therefore, there is no contempt of Court. Based on the above submission, the contempt was closed granting liberty to the petitioner to work out his remedy before the appropriate forum. Aggrieved by the same, the petitioner has filed the present petition.

3.Heard both sides.

4.The learned counsel for the petitioner on instructions, submitted that though the petitioner has sought for a larger relief, it would suffice, if a direction is issued to the 1st respondent to implement the order dated 22.02.2019 passed in W.P.No.546 of 2018 etc. batch cases and to pay the salary from August 2018 onwards based on the order of appointment issued by the 1st respondent dated 03.03.2016.

5.Thus, without going into the merits of the case, this Court is inclined to issue direction to the 1st respondent to implement the order dated 22.02.2019 passed in W.P.No.546 of 2018 etc. batch cases and to pay the petitioner salary from August 2018 onwards based on the order of appointment issued by the 1st respondent dated 03.03.2016 and also to consider the representation of the petitioner dated 21.05.2019 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

6.With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The District Adi Dravidar Welfare Officer,
Salem District,
Salem-1.

2.The Special Tahsildhar (ADW),
Attur Taluk 636 102,
Salem District.

+lcc to Mr.G.Snakaran, Advocate SR.82616
+lcc to the Government Pleader SR.82808

VD(CO)
CB(14/10/2019)

W.P.No.28190 of 2019

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