



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30605 of 2019

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G. Chella Pandian

.. Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and Water
Supply, (MC4) Department,
Fort. St. George, Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Ezhilagam, Chennai - 600 005.

3.The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.

4.The Managing Director,
Tamilnadu Textile Corporation Limited,
Corporation Complex, III Floor,
Dr.Nanjappa Road, Coimbatore - 641 018.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the 3rd respondent corporation to consider the representation of the petitioner dated 29.05.2019 and grant the relief on par with the similarly placed persons.

For Petitioner	:	Mr.S.Gopinathan
For RR 1 & 2	:	Mr. A. N. Thambidurai, Special Government Pleader
For R3	:	Mr. R. Sivakumar

O R D E R

This Writ Petition is filed for Writ of Mandamus, directing the third respondent corporation to consider the representation of the petitioner dated 29.05.2019 and grant the relief on par with the similarly placed persons.

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2. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner was appointed as Laboratory Assistant (trainee) in the 4th respondent Corporation after following the recruitment process. Due to various administrative reasons, the 4th respondent implemented a scheme for voluntary retirement in the year 2000. Therefore the petitioner and other similarly placed persons made a representation to the 4th respondent for redeployment of their service in other Government establishments. However, the said representation was not considered and one Jayachandran's representation alone was considered and he was accommodated in the Municipal Administration Department whereas, other persons were not appointed. The Government by an order dated 01.06.2009 in G.O.No.230 MA & WS (Ma.Ni4) Department, rejected the request of the petitioner and others. The said Government Order was challenged by the petitioner and other similarly situated persons in W.P.Nos.14826 to 14832 of 2009 and this Court by the order dated 17.12.2009 allowed the Writ Petitions by directing the respondents 1 and 4 to redeploy all the petitioners. Subsequently, the order dated 17.12.2009 was challenged by the Government in W.A.Nos.2143 to 2149 of 2009 and this Court by the order dated 11.02.2011, dismissed the Writ Appeals and subsequently the said order was upheld by the Hon'ble Apex court. Thereafter the first respondent issued G.O. No.472, Municipal Administration and Water Supply (MC4) Department dated 22.11.2011, directing the 3rd respondent to appoint the petitioners in the vacant post of Assistant / clerk in the 3rd respondent Corporation. Based on the said Government Order, the 3rd respondent issued proceeding in Na.Ka.No.5197/2001, MC3, dated 29.12.2011 appointing the petitioner as fresh appointment to the post of Assistant cum Clerk in Health Center, C.T.M. Home Nagar Centre, Nanjundapuram Health Care Centre, with a pay scale of (Rs.5,200/- - Rs.20,200/-) + Rs.2,800/-. After joining in the Corporation on 05.01.2012, the petitioner in W.P.No.30520 of 2019 superannuated on 30.04.2015. A person similar to the petitioners, who was also appointed in the 3rd respondent Corporation as a fresh candidate, challenged the decision of the 3rd respondent and the Division Bench of this Court by the order dated 16.11.2016 made in W.A.Nos.1321 to 1324 of 2012 allowed the Writ Appeals and directed the respondents to absorb the appellants and pay the retiral benefits by counting the services rendered in Tamilnadu Textile Corporation Limited. The said decision of the Division Bench of this Court is squarely applicable to the case on hand and in order to avail such benefit, the petitioners sent separate representation dated



29.05.2019 to the respondents and however, till date the same was not considered by them. Hence, the petitioner have come out with the present Writ Petition.

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4. The learned counsel for the petitioners would submit that it would be suffice to issue direction to the respondents 1 to 3 to consider the representation sent by the petitioner dated 29.05.2019 and pass orders on the same.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court hereby directs the respondents 1 to 3 to consider the representation sent by the petitioner dated 29.05.2019 and pass orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6. With the above direction, these Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrn

To

- 1.The Secretary to Government,
Municipal Administration and Water
Supply (MC4) Department,
Fort. St. George, Chennai - 600 009.
- 2.The Commissioner of Municipal Administration,
Ezhilagam, Chennai - 600 005.
- 3.The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.

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4.The Managing Director,
Tamilnadu Textile Corporation Limited,
Corporation Complex, III Floor,
Dr.Nanjappa Road, Coimbatore - 641 018.

+1cc to Mr.S.Gopinathan, Advocate sr.89895
+1cc to Government Pleader SR.NO. 90404

W.P.No.30605 of 2019

rsk(co)
nr 20/01/2020