

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.30520 & 30523 of 2019

R.Daniel Kalimuthu

.. Petitioner
(in W.P.No.30520 of 2019)

R.Manoharan

.. Petitioner
(in W.P.No.30523 of 2019)

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
(in both W.Ps)

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

(in Both W.Ps):

For Petitioner	:	Mr.S.Gopinathan
For RR 1 & 2	:	Mr.K.S.Suresh
		Government Advocate
For R3	:	Mr.K.Magesh
		Standing Counsel
		for Coimbatore Corporation

COMMON ORDER

These Writ Petitions are filed for Writ of Mandamus, directing the third respondent corporation to consider the representation of the petitioners dated 29.05.2019 and grant the relief on par with the similarly placed persons.

2. By consent of both the parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

3. The case of the petitioners is that the petitioners were 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 petitioners 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.(10 years) No.230 MA & WS (Ma.Ni4) Department, rejected the request of the petitioners and others. The said Government Order was challenged by the petitioners 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. (10 years) 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 in W.P.No.30520 of 2019 as fresh appointment to the post of Assistant cum Clerk in Health Center, C.T.M. Home Nagar Centre and the petitioner in W.P.No.30523 of 2019 as fresh appointment to the post of Assistant cum Clerk in Health Center, 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 and the petitioner in W.P.No.30523 of 2019 superannuated on 31.03.2014. 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 petitioner in W.P.No.30520 of 2019 sent a representation dated 29.06.2016 and the petitioner in W.P.No.30523 of 2019 sent a representation on 15.09.2016. Thereafter the petitioners sent separate representations dated 29.05.2019 to the respondents and however, till date the same was not considered by them. Hence, the petitioners have come out with the present Writ Petitions.

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 representations sent by the petitioners 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 petitioners, this Court hereby directs the respondents 1 to 3 to consider the representations sent by the petitioners 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 Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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.

3/4

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.

+2 cc to M/s.S.Gopinathan, Advocate Sr.Nos.89417 & 89418
+2 cc to M/s.K.Magesh, Advocate Sr.Nos. 89510 & 89511
+1 cc to The Government Pleader Sr.No.89943

AKM/03.01.2020/4P-10C /

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