

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 31491 of 2019

and

WMP.Nos.31670 & 31673 of 2019

L.Jagadesan

... Petitioner

Versus

1.Indian Red Cross Society,
Tamil Nadu Branch Rep.by its General Secretary,
32/50 Monteith Road,
Egmore, Chennai - 600 008.

2.District Secretary and Chairman,
Indian Red Cross Society,
Nilgiris District Branch,
Ooty - 643 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to proceedings No.0102/FHS/IRCS-TNB/2019 dated 03.09.2019 issued by the first respondent, quash the same and direct the first respondent to consider the matter as per the petitioner's representation dated 06.09.2019.

For Petitioner : Mr.B.Subramanian

For Respondents: No Appearance

ORDER

This Writ petition has been filed seeking to call for the records pertaining to proceedings No.0102/FHS/IRCS-TNB/2019 dated 03.09.2019 issued by the first respondent, quash the same and direct the first respondent to consider the matter as per the petitioner's representation dated 06.09.2019.

2.The averments made by the petitioner is that he was appointed on 05.01.2016 as Programme Assistant cum Accountant for the Free Hearse Service Programme implemented by the Indian Red Cross Society, Tamil Nadu Branch till November 2016 and he discharged his duties efficiently and satisfactorily. On 01.08.2019, the petiitoner was pre-designated as District Programme Manager vide proceedings dated 30.08.2019 of the first

respondent with effect from 01.08.2019. While so, he was discharged from his duties and relieved from service of the society from 25.09.2019 by the first respondent. At the same time, the first respondent appointed one Mr. M. Sakthivel as a District Programme Manager, who is junior to the petitioner in Nilgiris District, where the petitioner was working, apart from making him in-charge of Tirupur District. Therefore, the petitioner made a representation dated 06.09.2019 to the first respondent, which was rooted through the second respondent. According to the petitioner, the second respondent remarked that the petitioner is a hard working and deserving person whose service during the recent flood has won an award from the District Collector. In spite of such a recommendation made by the second respondent, the first respondent did not consider the representation of the petitioner to reinstate him in service.

3. Heard the counsel for the petitioner and perused the materials available on record.

4. On appreciation of the above facts, this Court is of the view that when the petitioner was appointed on contract basis, for a specified period, interference of this Court is not warranted. At the same time, having regard to the recommendation said to have been made by the second respondent, the first respondent shall consider the representation dated 06.09.2019 of the petitioner. In such circumstance, this Court is not inclined to go into the validity or correctness of the order dated 03.09.2019, which is impugned in this writ petition.

5. Accordingly, without going into the merits of the order dated 03.09.2019 which is impugned in this writ petition, this Court is of the view that it would be suffice to direct the first respondent to consider the representation submitted by the petitioner on 06.09.2019 and pass orders on the same in accordance with law, in the light of the recommendation said to have been made by the second respondent, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Asst. Registrar (CS V)

/true copy/

Sub Asst. Registrar

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and

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