



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.04.2019
CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A. (MD) No.452 of 2019

V.Needhimani : Appellant/Petitioner
Vs.

The District Collector,
Trichy District,
Trichy - 620 001. : Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 28.01.2019 passed in W.P.(MD) No.1534 of 2019.

Prayer in WP(MD). 1534/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records of the respondents impugned order in Na.Ka.No.P7/1158/2018 dated 11/06/2018 and quash the same as devoid of merit and direct the respondent to re-appointment the petitioner as Noon Meal organiser.

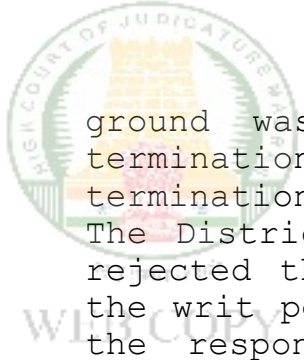
For Appellant : Mr.A.Haja Mohideen
For Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This appeal is preferred by the Writ Petitioner in W.P.(MD) No.1534 of 2019 as against the order of the learned Single Judge dated 28.01.2019 dismissing the Writ Petition filed by the appellant.

2.The appellant was appointed as a Noon-meal Organiser on 06.04.1983. Thereafter, for unauthorised absence, a memo was issued to the appellant and after giving sufficient opportunity to the appellant to give explanation for his unauthorised absence, the appellant was terminated from service on 18.01.1999. Thereafter, the appellant did not approach the respondent and he never expressed any grievance about his termination order. However, for the first time in 2017, the appellant came forward with a representation dated 20.11.2017 and requested the District Collector, Trichy District, to revoke the order of termination. Even in the representation, no



ground was raised by the appellant as against the order of termination. No illegality or irregularity in the order of termination was suggested by the appellant in his representation. The District Collector by the order impugned in the Writ Petition rejected the request/representation of the appellant. Thereafter, the writ petition was filed by the appellant to quash the order of the respondent and to direct the respondent to reappoint the appellant as Noon-meal Organiser and to grant all the service benefits to the appellant. The Writ Petition was dismissed by the learned Single Judge on the ground of laches as the petitioner who was removed from service in 1999 had not raised the issue all these years.

3. The learned Counsel relied upon a representation made by the appellant dated 20.11.2017 and the direction of this Court in earlier Writ Petition filed by the appellant himself in W.P.(MD) No.8163 of 2018. By an order, dated 16.04.2018, this Court only directed the respondent to consider the representation of the appellant. That cannot give a fresh cause of action. The right of the appellant to approach the respondent, if he is really aggrieved by an order of termination arises in 1999. Admittedly, after 18 years, the appellant came with a representation to reconsider the termination without even raising a valid ground as to how the order of termination was bad. Absolutely, there is neither merit nor legality in any of the submissions of the appellant. The learned Single Judge has dismissed the Writ Petition on the ground of laches. Even now, the appellant has not made out a valid ground on merits. Having regard to the fact that the appellant has come before this Court for no justifiable cause, this Court is inclined to dismiss the Writ Appeal and accordingly, the Writ Appeal is dismissed. No costs.

sd/
Assistant Registrar(records)

/True Copy/

Sub Assistant Registrar(CS)

To

The District Collector,
Trichy District,
Trichy - 620 001.

+1 CC to Mr.A.HAJA MOHIDEEN, Advocate (SR-60431[F] dated 11/04/2019)

ORDER MADE IN
W.A. (MD) No.452 of 2019
09.04.2019