



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.8272 of 2016

WEB COPY

K.Murugan

... Petitioner

vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Adi-Dravidar and Tribal Welfare Office,
Trichy District.

3.The Special Thasildar,
Adi-Dravidar Welfare Office,
Trichy.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to regularize the petitioner's service, as Physical Education Teacher, with the effect from 01.06.1999.

For Petitioner :Mr.T.Antony Arul Raj

For Respondents : Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader

ORDER

The Writ Petition is filed seeking a direction to the second respondent to regularize the petitioner's service, as Physical Education Teacher, with effect from 01.06.1999.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. The learned Counsel appearing for the petitioner submitted that seeking regularization of the petitioner's service as Physical Education Teacher with effect from 01.06.1999, the petitioner approached the Authorities. However, the Authorities have not considered the claim of the petitioner. Hence, the petitioner filed a writ petition in W.P.No.44893 of 2006, wherein by order dated 22.06.2010, this Court has observed as follows:

"12.Taking into account the facts and circumstances of the case, this Court is of the considered view that since the petitioners joined their duty on 01.06.1999, their services should be regularized from 01.06.1999.



However it is made clear that since the petitioners did not work from 02.06.1999 to 21.10.2002, they are not entitled to get any backwages for the said period and only continuity of service shall be considered."

Despite the same, the respondent authorities have not passed any orders. Hence, the learned Counsel for the petitioner seeks appropriate direction to the respondent authorities, for which, the learned Additional Government Pleader has no serious objection.

4. Considering the facts and circumstances of the case and in regard to the submissions made on either side, this Court, without going into the merits of the case, directs the respondent authorities to consider the representations of the petitioner dated 06.12.2010 and 15.02.2016 and pass appropriate orders in the light of the order passed in W.P.No.44893 of 2006, dated 22.06.2010, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The District Collector,
Trichy District, Trichy.

2.The District Adi-Dravidar and Tribal Welfare Office,
Trichy District.

3.The Special Thasildar,
Adi-Dravidar Welfare Office,
Trichy.

+1 CC to M/s.SPL GP (SR-59524[F] dated 27/03/2019)

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-59031[F] dated 04/04/2019)

W.P (MD) No.8272 of 2016

KK:03/05/2019/2P/6C