



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.22250 of 2019

Hamthul Kuthoos

... Petitioner

-Vs-

1.The Director of Public Library
Directorate of Public Library
737/1 Anna Salai
Chennai 600 002

2.The District Library Officer
Ramanathapuram District
Ramanathapuram

3.The District Library Officer
Office of District Library
133/D3, Majith Road
Sivagangai 623 561

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in Na.Ka.No.1936/A1/2019, dated 06.09.2019 and to quash the same and consequently, direct the respondents to provide petitioner's retirement benefits, pension and all other service benefits by taking note of his service period from 1966 to 1978, by considering petitioner's representation, dated 09.03.2019, within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.S.Dhayalan
Government Advocate

ORDER

The writ petition has been filed challenging the order of rejection of the petitioner's claim, by the third respondent in Na.Ka.No.1936/A1/2019, dated 06.09.2019.

2.Mr.S.Dhayalan, learned Government advocate takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he joined as a Writer (Record Room Keeper) in the second respondent Office in the year 1966.



During the year 1978, the petitioner was suffering from mental disorder and his family members took him to various places for treatment and he recovered from illness only in March 2018. In this circumstances, after realizing his service, the petitioner made an application dated 09.03.2019, to the respondents 2 and 3, requesting them to provide his service benefits and pension for a period in which he worked. Though the respondents received his representation, have not taken any steps so far. Hence, the petitioner filed W.P(MD).No.8383 of 2019 for a direction, directing the respondents to provide retirement benefits, pension and all other service benefits to him by taking note of his service period from 1966 to 1978 and considering his representation dated 09.03.2019. This Court, by order dated 08.04.2019, directed the respondents to consider the representation of the petitioner, dated 09.03.2019, on merits and in accordance with law, after affording opportunity of hearing to the petitioner. On receipt of the order, the third respondent sent a communication, dated 02.08.2019, calling upon the petitioner to produce the documents with regard to the date of joining of service, appointment order, copy of the proceedings relating to regularisation of service and other details. On receipt of such communication, the petitioner appeared before the third respondent office along with two documents viz., the transfer order, dated 27.12.1967 and the promotion order, dated 29.08.1981. The third respondent without considering these two documents and without taking steps to put up a file with available papers, rejected the claim of the petitioner on the ground of delay which is an erroneous ground and is in violation of principles of natural justice. The petitioner was not heard before passing the order. The third respondent failed to consider the documents produced by the petitioner. Hence, the petitioner is before this Court.

4.From the materials on record, it is seen that the petitioner seeking terminal benefits for his service as Writer (Record Room Keeper) from 1966 to 1978, sent representation in the year 2018. As per order of this Court in W.P(MD).No.8383 of 2019, dated 08.04.2019, the third respondent called upon the petitioner to produce the necessary documents to consider the claim of the petitioner. The petitioner did not produce the appointment order and the order of regularisation. Hence, the claim of the petitioner was rejected on the ground that no document is available, as the claim of the petitioner made after 52 years. The petitioner claimed that he joined in the year 1966, but he could not produce the appointment order or regularisation order. This claim was made after considerable delay. Unless the records are available, the respondents cannot pass order for granting terminal benefits of the petitioner. From the impugned order passed by the third respondent in Na.Ka.No.1936/A1/2019, dated 06.09.2019, it is seen that the petitioner was called upon to produce the documents and when no documents are filed, after hearing the petitioner, the impugned



5. In view of the above reasons, the impugned order passed by the third respondent, dated 06.09.2019, does not warrant any interference by this Court. Accordingly, this Writ Petition is dismissed. No costs.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

msa

To

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Ramanathapuram District
Ramanathapuram

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+1 CC to M/s.A.HAJA MOHIDEEN, Advocate SR-94004.
+1 CC to GP SR-94072.

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CS(12.11.2019) 3P 6C