



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.02.2020
CORAM
THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR
W.P.No. 10151 of 2015

WEB COPY

P.Thandapani

..Petitioner

Vs

1. The State of Tamil Nadu
Rep. by the Secretary to Government
Department of Municipal Administration
and Water Supply
Fort St.Geroge,
Chennai - 600 009.

2.The Director of Municipal Administration
Chepauk,
Chennai-600005.

3.The Assistant Director Town Panchayats
Cuddalore Division,
Cuddalore District.

4. The Executive Officer,
Selection Grade Town Panchayat
Vadakanandal,
Kallakurichi Taluk,
Villupuram District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent herein to issue necessary instructions to the 4th respondent herein to permit the petitioner to resume duty as a sweeper in the 4th respondent office.

For Petitioner : M/s. S.Arunkumar

For Respondents : Mr. J.Ramesh, AGP - R1 to R3
Mr.K.Rajendraprasad - R4



O R D E R

The prayer sought for in the Writ Petition is to direct the 1st respondent herein to issue necessary instructions to the 4th respondent herein to permit the petitioner to resume duty as a sweeper in the 4th respondent office.

2. Heard Mr. S.Arunkumar, learned counsel appearing for the writ petitioner and Mr. J.Ramesh. learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.K.Rajendraprasad, learned counsel appearing for the 4th respondent and perused the documents available on record.

3. The learned counsel appearing for the petitioner submitted that the writ petitioner was appointed as a permanent sweeper in the 4th respondent office on 01.10.1982. During the year 1990, the petitioner fell sick due to mental illness and he could not attend duty. Thereafter, he was fully recovered from his illness and the 4th respondent has permitted the petitioner to resume duty from 08.03.2003 and he was not paid salary for want of production of medical fitness certificate. The petitioner has submitted medical fitness certificate dated 14.07.2006 issued by the Chairman, District Medical Board, Joint Director of Health Services, Villupuram District.

4. The learned counsel for the petitioner further submitted that subsequent to the production of Medical Fitness Certificate by the petitioner, the 4th respondent sent a letter in Na.Ka. No. a1/58/2006 dated 21.08.2008 to the 3rd respondent seeking necessary instructions to permit the petitioner to resume duty as a sweeper. Further at that time, 10 vacancies were available in the post of sweeper in the 4th respondent's office. But till date no reply has been received from the 3rd respondent. The 4th respondent informs the petitioner that unless suitable instructions are received from the higher authorities concerned, he cannot permit the petitioner to resume duty. Hence, filed this writ petition seeking necessary directions to the 3rd respondent.

5. On the other hand, the learned Additional Government Pleader appearing for the respondents 1 to 3 has submitted that the writ petitioner was not attended duty from the year 1990 for the reason that he suffered from mental illness and after a period of 16 years i.e in the year 2006, he made representation to the 4th respondent and sought for reinstatement into service. The said request was rejected as there was no vacancy at the time of considering his request.



6. On a perusal of records, it is seen that the writ petitioner was appointed as sweeper in the 4th respondent department and he was not attended duty from the year 1990 due to mental illness and after more than 16 years, he made a representation to reinstate him in the post of sweeper, that was rejected. The 4th respondent vide his letter dated 21.08.2008 addressed to the 3rd respondent sought for clarification to reconsider the petitioner's request to reinstate him into service based on the documents filed by him. So far, the Assistant Director Town Panchayats, Cuddalore District/3rd respondent herein has not passed any order.

7. In view of the aforesaid facts and circumstances of the case and considering the submissions made by the learned counsels appearing for the parties concerned, this Court without expressing any of its opinion, but on the short ground that the instructions sought for the by the 4th respondent is still pending before the 3rd respondent, finds it appropriate to direct the 3rd respondent to send a reply to the 4th respondent within a stipulated time.

8. Accordingly, the Assistant Director Town Panchayats, Cuddalore District / 3rd respondent herein is directed to take decision on the letter dated 21.08.2008 addressed by the 4th respondent and send a reply to the 4th respondent as expeditiously as possible, in any event, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition if any is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government
Department of Municipal Administration
and Water Supply
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2. The Director of Municipal Administration
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3. The Assistant Director Town Panchayats
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+1 cc to Mr. S. Arunkumar Advocate sr17269
+1 cc to the Government Pleader sr17758

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aa13/07/2020