

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.01.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P.No.1357 of 2020

A.Krishnamoorthy

... Petitioner

Vs.

1.The State of Tamil Nadu rep.by its
Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.

2.The Director of Government Examinations,
O/o.Director of Government Examinations,
D.P.I.Campus,
Chennai - 600 006.

3.The Joint Director (Personnel)
O/o. The Joint Director of Government Examinations,
D.P.I.Campus,
Chennai - 600 006.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the first respondent to consider the petitioner's appeal petition dated 25.06.2017 and pass orders on the same within a reasonable time in regard to treat the unemployment period from 17.03.2009 to 17.01.2010 as duty period and pay salary in view of Supreme Court Order reported in (2004) 11 SCC 550 [Electronics Corporation of India Limited Vs Sathish S. Rao Sona Walker].

For Petitioner : Mr. G. Elanchezhiyan

For Respondents : Mrs. V. Annalakshmi,
Government Advocate

O R D E R

This writ petition has been filed for the issuance of writ of mandamus directing the first respondent to consider the appeal petition dated 25.06.2017 and pass orders within the time fixed by this Court.

2. The case of the petitioner is that he was appointed as a daily wage labourer in the year 1990. Subsequently, the

services of the petitioner was brought under regular basis and he was appointed in the post of Mazdoor from 25.10.2006. The petitioner continued in the said post and he ultimately retired on 31.05.2019.

3. The petitioner submitted a representation to the respondents to regularize his period of absence from 2009-2011 and to pay salary for the non employment period. According to the petitioner, this happened only because he was made to wait compulsorily for the posting order. The request made by the petitioner was considered and order was passed regularizing the non employment period from 01.01.2009 to 03.11.2011. However, the petitioner was denied a salary for the said period. This order was passed on 14.08.2015 by the second respondent. Aggrieved by the same, the petitioner filed an appeal before the first respondent on 25.06.2017. The grievance of the petitioner is that this appeal has not been taken up and no orders have been passed till date. Therefore, this present writ petition has been filed before this Court.

4. Heard, Mr. G. Elanchezhian, learned counsel for the petitioner and Mrs. V. Annalakshmi, learned Government Advocate for the respondents.

5. Taking into consideration of the facts and circumstances of the case and the limited relief that has been sought for, there shall be a direction to the first respondent to dispose of the appeal petition dated 25.06.2017 on its own merits and in accordance with law strictly within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to make fresh representation along with a copy of appeal petition dated 25.06.2017 and a copy of this order.

6. This writ petition is disposed of with the above direction. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar

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Sub Assistant Registrar

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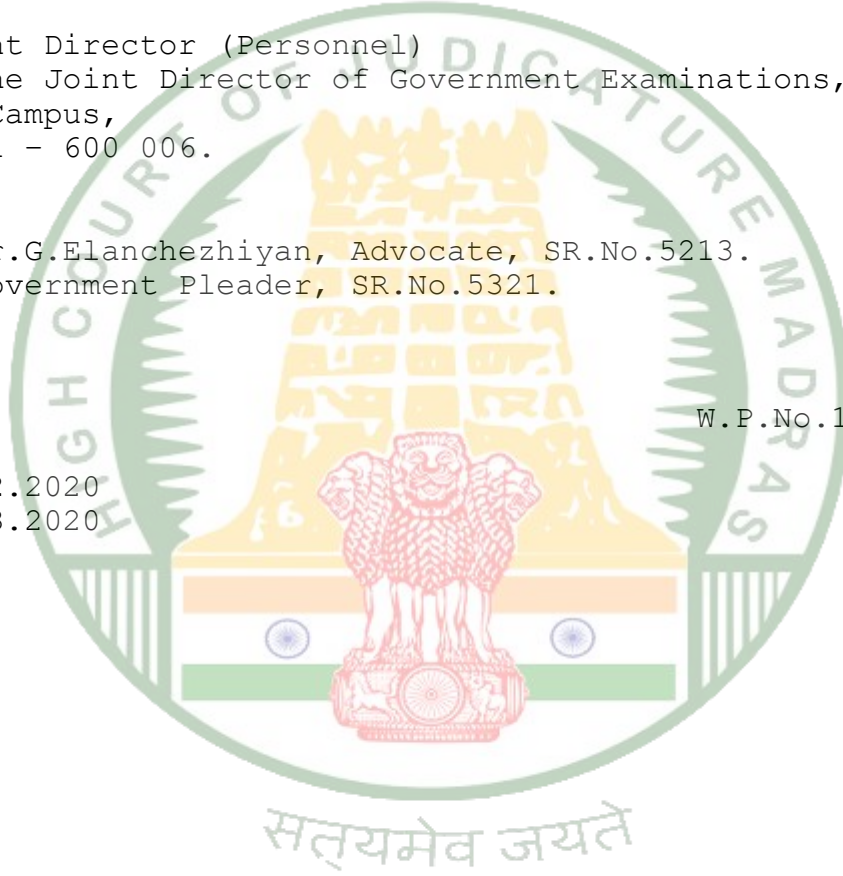
To

- 1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai - 600 009.
- 2.The Director of Government Examinations,
O/o.Director of Government Examinations,
D.P.I.Campus,
Chennai - 600 006.
- 3.The Joint Director (Personnel)
O/o. The Joint Director of Government Examinations,
D.P.I.Campus,
Chennai - 600 006.

+1cc to Mr.G.Elanchezhiyan, Advocate, SR.No.5213.
+1cc to Government Pleader, SR.No.5321.

W.P.No.1357 of 2020

SJ(CO)
CSR: 28.02.2020
CSR: 12.03.2020



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