

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33859 of 2013

R.Manidevan

... Petitioner

Vs.

1.The Collector,
Kancheepuram,
Kancheepuram District
Pin:- 631 501.

2.The Commissioner,
Uthiramerur Panchayat Union,
Uthiramerur, Pin:- 603 406
Kancheepuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to take action on the petitioner's representation dated 16.08.2013 in the light of the order passed by the first respondent in Pa.mu.No.6476/2013-Pa.A.4 dated 12.03.2013.

For Petitioner : Mr.P.Mohanraj

For Respondents : Mr.A.N.Thambidurai for R1
Special Government Pleader
Mr.R.Lakshmi Narayanan for R2

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to take action on the petitioner's representation dated 16.08.2013 in the light of the order passed by the first respondent in Pa.mu.No.6476/2013-Pa.A.4 dated 12.03.2013.

2.The case of the petitioner is that the petitioner was appointed through Employment Exchange and was working as Cholera Mazdoor in Uthiramerur Panchayat Union from 03.02.1992. His services were terminated on 19.06.1996. Challenging the said termination of service, the petitioner approached the Tamil Nadu Administrative Tribunal, Chennai and filed O.A.No.4101 of 1996.

While admitting the said O.A., the Tribunal granted injunction restraining the respondents therein from appointing any fresh candidate.

3.It is the further case of the petitioner that on abolition of the Tribunal, O.A.No.4101 of 1996 was transferred to this Court and was numbered as W.P.No.19905 of 2006. This Court vide order dated 21.11.2006 made in W.P.No.19905 of 2006, directed the petitioner to make representation to the respondents and also directed the respondents to consider the representation to be filed by the petitioner in the light of the Government Letter No.33810/89-I/P.&A.R. Department dated 10.09.1989.

4.It is the further case of the petitioner that in the said Government letter, the Government had directed that whenever regular vacancies arose in any department, persons who were fully qualified and who were appointed on daily wages basis through Employment Exchange shall be considered for such appointment in relaxation of Rule-5 (1) of the Special Rules for Tamil Nadu Basic Service.

5.It is the further case of the petitioner that as per the directions of this Court made in W.P.No.19905 of 2006, the petitioner submitted representation on 19.12.2006 to the respondents, however, he did not receive any communication. Thereafter, after repeated representations, the first respondent issued an order dated 12.03.2013 directing the second respondent to take appropriate action on the basis of the petitioner's educational qualification. However, there was no reply. Again the petitioner made repeated representations and thereafter the first respondent sent a reply dated 29.11.2013 stating that the representation of the petitioner has been sent to the second respondent for taking action. Since no action was taken, the petitioner has filed this writ petition.

6.The learned counsel appearing for the petitioner would submit that this Court may issue direction to the second respondent to comply with the order of the first respondent dated 12.03.2013.

7.The learned Special Government Pleader appearing for the first respondent as well as the learned counsel appearing for the second respondent have no serious objection for this Court issuing such a direction.

8.In view of the above, this Court without expressing any opinion on the merits of the case, directs the second respondent to comply with the order of the first respondent dated 12.03.2013 by passing appropriate orders, on merits and in accordance with law, within a period of three months from the

date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

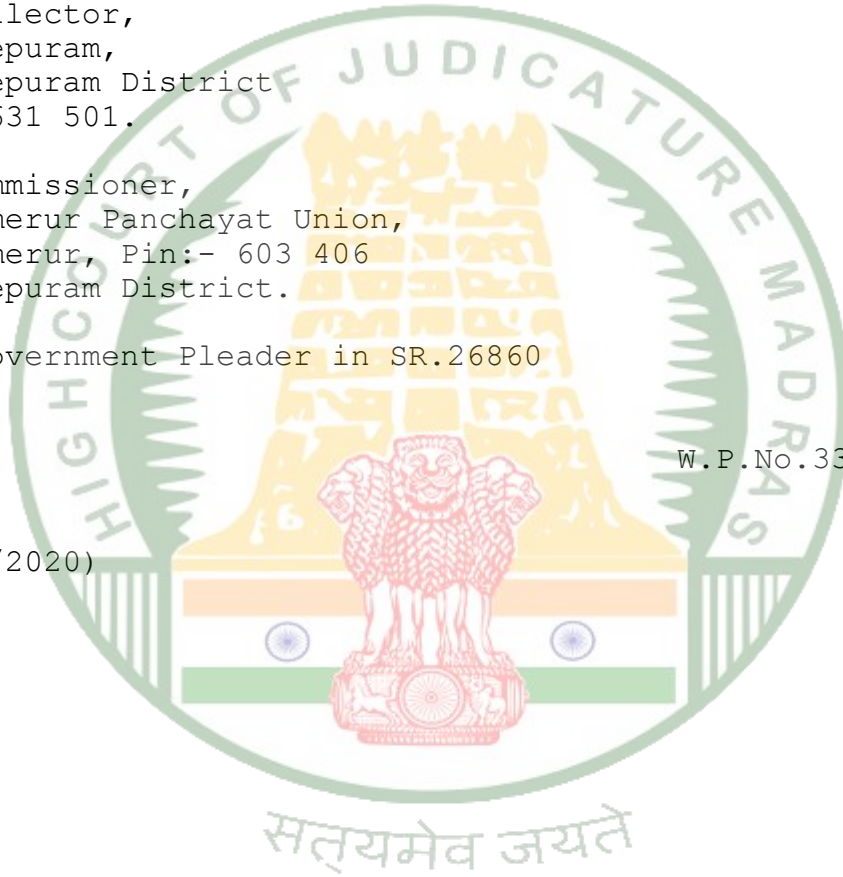
To

1. The Collector,
Kancheepuram,
Kancheepuram District
Pin:- 631 501.
2. The Commissioner,
Uthiramerur Panchayat Union,
Uthiramerur, Pin:- 603 406
Kancheepuram District.

+1cc to Government Pleader in SR.26860

W.P.No.33859 of 2013

MG (CO)
RV (08/09/2020)



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