

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.8481 of 2020

and

W.M.P.No.10230 of 2020

L.Chinnathambi,
S/o.Lakshmanan,
Kariyappanahalli,
Palavadi Post, via Papparappati,
Pennagaram Taluk,
Dharmapuri District.

... Petitioner

Vs.

1.The Secretary to Government,
Department of Public Healthcare
& Family Welfare,
Fort St.George, Chennai - 9.

2.The Director of Public Health &
Preventive Medicine,
Chennai - 6.

3.The Deputy Director of Health
Service,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the issuance of order Na.Ka.No.1843/E4/2013, dated 13.03.2020 (served on 25.03.2020) by the 3rd respondent herein and quash the same and consequently direct the respondents herein to reappoint the petitioner in the permanent post of mazdoor (field worker) in Dharmapuri District with all benefits.

For Petitioner: Mr.C.Umashankar

For Respondents: Mr.P.H.Arvind Pandian,
Additional Advocate General
Assisted by Mr.J.Ramesh
Additional Government Pleader

ORDER

The matter is taken up through web hearing.

2.The writ petition is filed seeking the following prayer:

"to call for the entire records pertaining to the issuance of order Na.Ka.No.1843/E4/2013, dated 13.03.2020 (served on 25.03.2020) by the 3rd respondent herein and quash the same and consequently direct the respondents herein to reappoint the petitioner in the permanent post of mazdoor (field worker) in Dharmapuri District with all benefits."

3.This order is passed in pursuance of the earlier order passed by this Court, dated 15.07.2020, wherein, this Court was informed about the restoration of employment of the petitioner and the same was also recorded and thereafter, the matter was adjourned to today, for filing of affidavit by the third respondent, explaining the circumstances under which the impugned order was passed.

4.Today, when the matter is taken up for hearing, the third respondent has come forward with an affidavit dated 19.07.2020, tendering unconditional apology for his action, which is impugned in the writ petition. In the affidavit, the third respondent has also stated that such action would not be repeated in future and requested the Court to drop any further action against him.

5.Accepting the unconditional apology tendered by the third respondent, this Court is not inclined to proceed any further in the matter.

6.However, the learned counsel for the petitioner would submit that the petitioner had not been paid salaries for the last few months in view of his disengagement, unjustly. Therefore, the learned counsel for the petitioner would request this Court to give a direction to the third respondent to consider the grant of salaries due for the period of disengagement.

7.Considering the above submission of the counsel for the petitioner, the third respondent is directed to consider the request of the petitioner for grant of payments due to him during the period of disengagement and settle the same at an early date.

8.In view of the relief being granted to the petitioner, nothing further survives for consideration in this writ petition and accordingly, recording the apology of the third respondent, as reflected in the affidavit filed by him, the writ petition stands closed. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

msk/mrm

To

1.The Secretary to Government,
Department of Public Healthcare
& Family Welfare,
Fort St.George, Chennai - 9.

2.The Director of Public Health &
Preventive Medicine,
Chennai - 6.

3.The Deputy Director of Health
Service,
Dharmapuri District.

W.P.No.8481 of 2020

RSV (CO)
GMY (29/09/2020)

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