

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.09.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.11875 of 2020

A.Alphonse

... Petitioner

Vs

1. The Director of Town Panchayats,
Kuralagam, Chennai.

2. The District Collector,
Thiruvarur District.

3. The Assistant Director of Town Panchayats,
Panagal Buildings, Tanjavore.

4. The Executive Officer,
Town Panchayat Office,
Muthupettai, Thiruvarur District.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 4th respondent to consider the representation of the petitioner dated 08.06.2019 within a stipulated time as fixed by the Honourable Court.

For Petitioner : Mr.T.Elumalai

For Respondents: Mr.K.K.Ramesh
Government Advocate.

O R D E R

This matter is taken up today, through Web hearing.

2. The writ petition is filed seeking direction to consider the representation of the petitioner dated 08.06.2019.

3. The case of the petitioner is that he was employed as a driver in the 4th respondent office in 2001 and according to him, his services was terminated in 2013, due to illegal action of the 4th respondent. According to him, he has been approaching

the authorities concerned to conduct an enquiry and as no action was forthcoming, he submitted a representation on 08.06.2019 and the representation having not evoked any response, he is before this Court.

4. This Court is unable to appreciate when the petitioner himself had averred that he was dismissed from service way back in 2013, instead of challenging the dismissal order, at the appropriate time, the petitioner has leisurely submitted a representation in 2019 and has now come before this Court seeking for disposal of the said representation. In effect what petitioner wants is to recall the dismissal order passed in his case, by praying for issuance of writ of mandamus.

5. First of all, the writ petition as it framed is not maintainable, since, he has not chosen to challenge the dismissal order for what it is worth even at this distance of time. Moreover, the representation said to have been submitted by the petitioner is dated 08.06.2019, which is long after the so called grievance of the petitioner, when he was dismissed from service on 30.09.2013. If any direction is to be given in this writ petition now that will only resurrect the old and stale claim of the petitioner. In any event, the writ petition is not maintainable, as no mandamus can be issued in the place of a writ of certiorarified mandamus.

6. For the above said reasons, this Court is of the view that the writ petition is neither maintainable nor has any substance. Hence, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Director of Town Panchayats,
Kuralagam, Chennai.
2. The District Collector,
Thiruvarur District.
3. The Assistant Director of Town Panchayats,
Panagal Buildings, Tanjavore.

4. The Executive Officer,
Town Panchayat Office,
Muthupettai,
Thiruvarur District.

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