

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.9271 of 2017 and

W.M.P.No.10247 of 2017

S.Mani

..Petitioner

Vs.

1. The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.
2. The Director,
Adi Dravidar Welfare Department,
Chennai 600 005.
3. The District Adi Dravidar and Tribal
Welfare Officer,
Villupuram, Villupuram District.
4. The Special Tahsildar,
(Adi Dravidar Welfare),
Ulunthoorpettai,
Villupuram District.

..Respondents

Prayer : This Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other writ or order or direction in the nature of writ, directing the 3rd respondent to pass necessary order so as to enable the petitioner to continue in service on re-employment basis on attaining the age of superannuation on 30.06.2016 till the closure of the academic year and further direct the respondents to pay the salary and allowance applicable for the re-employment period as per law and in terms of the Government orders, for the period from 01.07.2016 up to the end of the Academic Year viz., 01.06.2016 to 31.05.2017 with all attendant and monetary benefits.

For Petitioner : Mr.R.Muthukkannu

For Respondents : Mrs.J.Ramesh,

Additional Government Pleader
(for R1 to R4)

ORDER

This writ petition has been filed for direction to the 3rd respondent to give re-employment to the petitioner, as per

law and in terms of the Government orders, for the period from 01.07.2016 up to the end of the Academic Year viz., 01.06.2016 to 31.05.2017 with all attendant and monetary benefits.

2. The learned counsel appearing for the petitioner submitted that as per G.O.Ms.No.93, Backward Classes and Most Backward Classes Department dated 01.08.2012, the petitioner is entitled to continue the service on re-employment basis, till the end of Academic Year i.e. from 01.06.2016 to 31.05.2017 and therefore, the petitioner made representations to the 3rd respondent on 05.04.2016 and 29.06.2016, as he had to retire on 30.06.2016, but the 3rd respondent, without issuing re-employment, allowed the petitioner to retire from service on 30.06.2016. He further submitted that the petitioner made several representations including the last representation dated 10.12.2016 and that since there is no response from the respondents, he filed the present writ petition.

3. The learned Additional Government Pleader submitted that on the date of retirement, the petitioner was working as tutor-cum-Warden and that as per the G.O.Ms.No.194 Adi Dravidar and Tribal Welfare Department dated 20.10.1995 and also as per the clarification issued by the 2nd respondent in letter No.03/4012/2017, dated 15.02.2017, the petitioner is not entitled for re-employment till the end of the academic year, since he was not teaching in the schools for a particular subject and his service is no more required to continue the study of the students till the end of the academic year. He further submitted that as the academic year 2016-2017 has passed, permitting the petitioner to work till the end of the academic year i.e. 01.07.2016 to 31.05.2017 is infructuous and hence, he prayed for dismissal of the writ petition.

4. By considering the statement of the learned Additional government Pleader and in the light of the G.O.Ms.No.194 dated 20.10.1995, this court hold that there is no merits in the writ petition.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(C.S.III)

/True Copy/

Sub Assistant Registrar

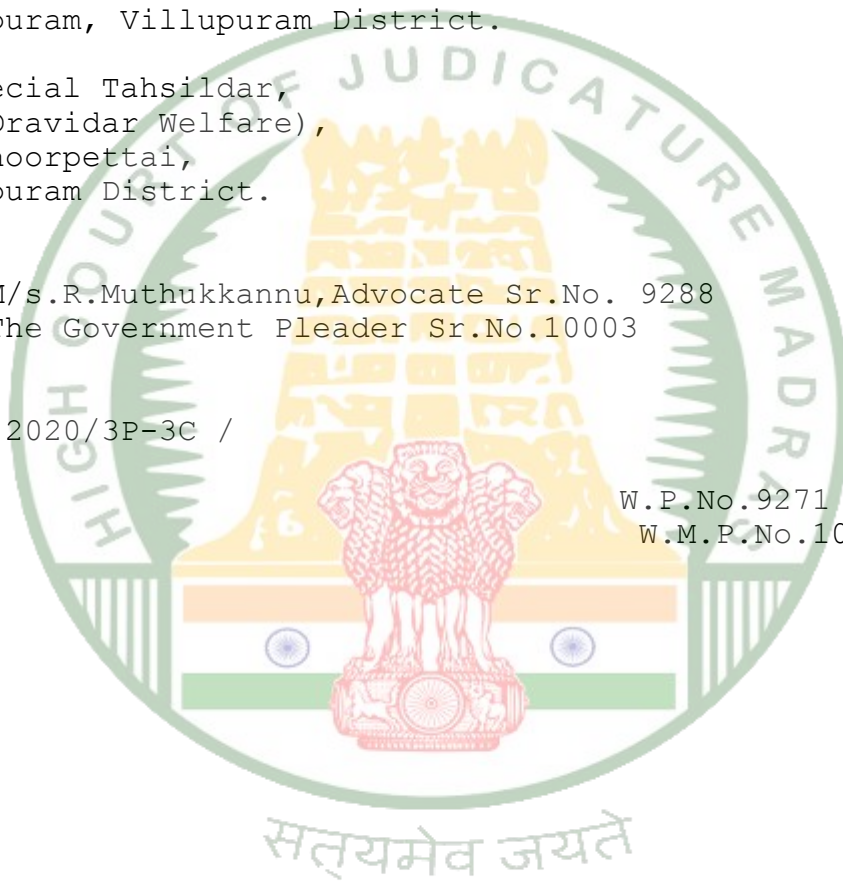
To

1. The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
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2. The Director,
Adi Dravidar Welfare Department,
Chennai 600 005.
3. The District Adi Dravidar and Tribal
Welfare Officer,
Villupuram, Villupuram District.
4. The Special Tahsildar,
(Adi Dravidar Welfare),
Ulunthoorpettai,
Villupuram District.

+1 cc to M/s.R.Muthukkannu, Advocate Sr.No. 9288
+1 cc to The Government Pleader Sr.No.10003

AKM/06.03.2020/3P-3C /

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