



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.9921 of 2020

A.Abdul Rehman

...Petitioner

-Vs-

1.The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Chennai.

2.The Secretary to Government of Tamil Nadu,
Rural & Local Department,
Chennai.

3.The Director of Public Health and Preventive Medicine,
Chennai.

4.The Director of Rural & Local Development,
Chennai.

5.The District Collector,
O/o.District Collectorate,
Thanjavur District.

6.The Commissioner,
Panchayat Union,
Sethubavachatram,
Thanjavur District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 6th respondent to consider the representation sent by the petitioner dated 05.03.2018 to appoint him in the post of Office Assistant in the vacancy existing at the office of the 6th respondent with a reasonable period of time to be fixed by this Court.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.A.Thiyagarajan
Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the 6th respondent to consider the representation sent by the petitioner dated 05.03.2018 to appoint him in the post of Office Assistant in the vacancy existing at the office of the 6th respondent with a reasonable period of time to be fixed by this Court.



2. Heard Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that, he was working as Cholera Mazdoor at Sethubavachatram Panchayat Union i.e., the sixth respondent between 1985 to 2000 continuously for 14 years.

4. Thereafter, for want of vacancy, he was ousted from service. This kind of people, who had been working for long years and subsequently, were ousted for want of vacancy, seems to have approached this Court and sought orders from this Court to consider their case for re-appointment in any vacancy available in the concerned Department. Several such writ petitions have been filed and a group of writ petitions were decided by this Court by order dated 20.08.2009 by a learned Judge of this Court, where, directions were issued to consider the candidature of the said petitioners for re-employment.

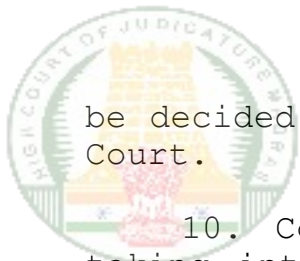
5. It is submitted by the learned counsel appearing for the petitioner that, pursuant to the said orders passed by this Court dated 20.08.2009 those writ petitioners covered with the said orders were considered and they have been given postings as Office Assistant and they have been working. Subsequent to the said order, in the year 2009 the petitioner also approached this Court by filing a writ petition, which was transferred and renumbered as W.P.No.45309 of 2006 of O.A.No.250 of 2000 filed before the Tamil Nadu Administrative Tribunal.

6. In the said writ petition a direction was issued by the learned Judge of this Court on 01.07.2010 that the request of the petitioner to be considered on merits and in accordance with law.

7. Despite the said order having been passed, no consideration seems to have been made for the past more than a decade and as of now, the petitioner is still out of employment and presently, the grievance of the petitioner is that, there is a vacancy of Office Assistant in the sixth respondent Office, for the said vacancy, the petitioner candidature can be considered in the light of the earlier consideration shown by the respondent to the the similarly placed persons, like the petitioner.

8. Accordingly, the petitioner has given a representation dated 05.03.2018 and even the said representation since has not been considered, he has approached this Court by filing the present writ petition with the aforesaid prayer.

9. Heard the learned Government Advocate appearing for the respondents, who would submit that, the said representation of the petitioner dated 05.03.2018 would be considered by the respondents, respondents 4 to 6 and accordingly, the same would



be decided on merits within the time frame to be stipulated by this Court.

10. Considering the said submissions made by both sides and taking into account the factual matrix, this Court is inclined to dispose of this writ petition, with the following direction:

"that the respondents, especially, the respondents 4 to 6, are hereby directed to consider the representation of the petitioner dated 05.03.2018 and decide the same on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. Enabling to have the immediate disposal, a copy of the said representation dated 05.03.2018 can also be annexed, by the petitioner along with this order, to the respondents 4 to 6 and on receipt of the same, such endeavour shall be undertaken by the respondents 4 to 6 and final order shall be passed, within the time specified supra.

11. With this direction, the writ petition is disposed of. No costs.

Am

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to Government of Tamil Nadu,
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MA (CO)
KB (28.09.2020) 4P 7C