



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.14140 of 2021 &
WMP.No.15017 of 2021

V.Krishnamoorthy ... Petitioner

Vs.

- 1.Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Department of Health and Family Welfare,
Chennai - 9
- 2.The Director of Public Health and Preventive Medicine,
DMS, Chennai - 6.
- 3.The District Collector,
Namakkal District (Town Panchayat Wing),
Namakkal.
- 4.The Director of Town Panchayat,
Chennai - 108.
- 5.The Assistant Director of Town Panchayats,
Salem Zone,
2nd Floor, Collectorate,
Salem - 636 001. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus directing the first respondent to dispose the appeal filed by the petitioner dated 21.12.2016 within the time fixed by this Court.

For Petitioner :Mr.S.C.Vishwanth

For Respondents :Mr.C.Kathiravan,
Government Advocate

O R D E R

Mr.C.Kathiravan, learned Government Advocate accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.



2. This writ petition has been filed by the petitioner seeking for a direction to the first respondent to dispose of the appeal filed by the petitioner dated 21.12.2016.

3. Heard Mr.S.C.Vishwanth, learned counsel for the petitioner and Mr.C.Kathiravan, learned Government Advocate appearing for the respondents.

4. It is the case of the petitioner that his request to consider his name for the post of Sanitary Inspector in the existing vacancy was rejected by the District Collector by his letter dated 07.12.2016. According to him, aggrieved by the same, he preferred an appeal before the fourth respondent on 21.12.2016. It is his case that since the same was not disposed of, the petitioner had approached this Court under Article 226 of the Constitution of India by filing a Writ Petition W.P.No.2839 of 2017. This court by its order dated 06.02.2017 passed in W.P.No.2839 of 2017, disposed of the said writ petition by directing the first respondent to pass orders on the petitioner's appeal within a period of twelve weeks from the date of receipt of a copy of the said order.

5. The petitioner has filed the instant writ petition on the ground that till date, the appeal preferred by him has not been disposed of and further by mistake, a direction was given to the first respondent to dispose of the Appeal by this Court on 06.02.2017 in W.P.No.2839 of 2017 instead of the fourth respondent before whom the appeal was in fact filed. Therefore, he seeks for a direction for earlier disposal of the appeal filed by him by the fourth respondent.

6. No prejudice will be caused to the respondents, if the direction sought for by the petitioner is granted by this Court. Admittedly, the appeal is pending only with the fourth respondent and not with the first respondent.

7. For the foregoing reasons, this Court directs the fourth respondent to dispose of the appeal filed by the petitioner, aggrieved by the letter of the District Collector dated 07.12.2016 rejecting his request for promotion as a Sanitary Inspector and pass final orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this Order.

8. With the aforesaid direction this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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To

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- 1.The Principal Secretary to Government,
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Department of Health and Family Welfare,
Chennai - 9
- 2.The Director of Public Health and Preventive Medicine,
DMS, Chennai - 6.
- 3.The District Collector,
Namakkal District (Town Panchayat Wing),
Namakkal.
- 4.The Director of Town Panchayat,
Chennai - 108.
- 5.The Assistant Director of Town Panchayats,
Salem Zone,
2nd Floor, Collectorate,
Salem - 636 001.

+1cc to Mr.S.C.Vishwanth, Advocate SR.No.32766

+1cc to Government Pleader SR.No.32599

W.P.No.14140 of 2021

PCH(CO)
GMY(02/08/2021)