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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.19093 OF 2021

(Through Video Conferencing)

P.Udhayasankar

... Petitioner

.Vs.

1. The State of Tamil Nadu,
Rep by The Secretary to the Government,
BC, MBC and Minorities Welfare Department,
Chennai - 600 009.
2. The Director,
BC, MBC and Minorities Welfare Department,
Chennai - 600 005.
3. The District BC, MBC and
Minorities Welfare Officer,
Ramanathapuram,
Tamil Nadu - 623 503.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the employment of the petitioner with effect from 16.08.1990 and to award such benefits as is awardable and applicable to the person holding the position of cook and thereby render justice.

For Petitioner : Mr.V.Raghavachari

For R1 to R3 : Mr.L.S.M.Hasan Fazal
Government Advocate

ORDER

The petitioner has filed this Writ Petition for Mandamus, to direct the respondents to consider the employment of the petitioner with effect from 16.08.1990 in the post of cook with all consequential and other benefits.



2. The case of the petitioner is that the petitioner was appointed as a cook with the 3rd respondent on 01.08.1990. However, the petitioner's service was regularised but same was not communicated to the petitioner. Under these circumstances, the petitioner had approached Tamil Nadu Administrative Tribunal in O.A.No.4957 of 1994 and the matter was thereafter transferred to Hon'ble High Court in W.P.No.21499 of 2006 which came to be disposed on 10.12.2007.

The operative portion of the order reads as follows:

"11. Therefore, the 1st respondent is directed to appoint the petitioner as a helper to cook in the available vacancy and if no vacancy is available, in the future vacancy and because of the mistake committed by the 1st respondent, the petitioner is out of employment for the past 17 years. Hence the writ petition is allowed with a cost of Rs.25,000/- to be paid by the 1st respondent to the petitioner".

3. It is the case of the petitioner that the petitioner was inducted into the service on 24.04.2008. However, the petitioner was made to suffer for a period of 17 years with no income or permanent employment though the petitioner was appointed in 1990, as a result of various monetary benefits have been denied. It is submitted that on account of delay, the petitioner has lost the chance to get increment which adversely affects the retiral benefits of the petitioner. Under these circumstances, the petitioner has made various representations to the respondents to consider his appointment from 16.08.1990.

4. The learned counsel for the petitioner submits that several representations was sent by the petitioner from 2010 onwards i.e., on 13.12.2010, 10.02.2012 and on 10.11.2018 which has not evoked any positive response from the respondents. Till date, no orders have been passed by the respondents.

5. The learned counsel for the respondents submits that the various representations sent by the petitioner will be considered and appropriate orders passed on merits.

6. Under these circumstances, this writ petition is being disposed of by directing the respondents to consider the petitioner's representation dated dated 13.12.2010, 10.02.2012 and 10.11.2018 and pass appropriate orders, on merits and in accordance with law and dispose the same within a period of 3 months from the date of receipt of this order.



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7. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

drl

To

1. The Secretary to the Government,
State of Tamil Nadu,
BC,MBC and Minorities Welfare Department,
Chennai - 600 009.
2. The Director,
BC, MBC and Minorities Welfare Department,
Chennai - 600 005.
3. The District BC, MBC and
Minorities Welfare Officer,
Ramanathapuram,
Tamil Nadu - 623 503.

+lcc to Mr.V.Raghavachari, Advocate, S.R.No.46048
+lcc to the Government Pleader, S.R.No.46180

W.P.NO.19093 OF 2021

KSM(CO)
PBS/27/09/2021