

W.M.P.No.21777 of 2020
in Rev.A.No.192 of 2019

D.KRISHNAKUMAR, J.

This Court vide order, dated 25.10.2019 passed the final order in Rev.A.No.192 of 2019 which reads as follows:

“The order passed by this Court in W.P.No.11071 of 2014, dated 4.3.2019 is reviewed on the following terms:

(i) It is open to the writ petitioner to make fresh representation to the Government within a period of three weeks from the date of receipt of a copy of this order.

(ii) On receipt of such representation from the writ petitioner, the first respondent/Government shall consider the same, after final order passed in W.A.No.2820 of 2018.

(iii) After disposal of the writ appeal, the writ petitioner also to make representation to the authorities concerned for passing appropriate orders.

6. Accordingly, the order passed by this Court in W.P.No.11071 of 2014, dated 4.3.2019 is recalled. Review application is allowed with the above directions. No costs.

2. Now, the present miscellaneous petition is filed to reconsider the said order and direct the respondents to classify the post of Instructor in Stenography as teaching post, instead of non-teaching post, with effect from the date of appointment of the petitioner viz., 25.5.1993, instead of

09.11.2006, the date of issuance of G.O.Ms.No.369, Higher Education Department and give all the service benefits to the petitioner as that of teaching post, with retrospective effect.

3. The learned Senior counsel appearing for the petitioner brought to the notice of this Court that earlier order has been passed by this Court based on the statement of the learned Government Advocate appearing for the respondent department that the issues involved in the writ petition and Review application is pending before the Division Bench in Writ Appeal No.2820 of 2018.

4. In view of the aforesaid statement of the Government Advocate appearing for the respondent department, this Court granted liberty to the petitioner to make fresh representation to the Government and directed the respondent to consider the said representation and pass orders after final order passed in writ appeal in W.A.No.2820 of 2018.

5. Now, it is contended by the learned Senior counsel appearing for the petitioner that the issues involved in the aforesaid writ appeal are entirely different from the issues involved in W.P.No.11071 of 2014.

Therefore, learned counsel appearing for the petitioner seeks modification of the order passed by this Court.

6. Mr.Karthikai Balan, learned Government Advocate appearing for the respondent department submitted that inadvertently such statement has been made before this Court and the writ appeal is nothing to do with the issue involved in the writ petition and Review application.

7. This Court upon considering the G.O.Ms.No.369, Higher Education department, dated 9.11.2006 and the consequential order passed by the Government in Letter No.163, Higher Education department, dated 4.9.2013 rejecting the representation of the petitioner, passed an order, dated 25.10.2019 in Rev.A.No.192 of 2019. The representation of the petitioner, dated 16.10.2013 was rejected by the Government without citing any reason. In view of the aforesaid order, the subsequent representation made by the petitioner is still pending before the Government.

8. The petitioner now seeks the benefit of G.O.Ms.No.369, dated 9.11.2006 with retrospective effect i.e. the benefits of said G.O. be given to the petitioner from the date of appointment of the petitioner by considering his representation and pass appropriate orders.

9. Accepting the contention of the learned Senior counsel appearing for the petitioner, this Court is inclined to clarify that the respondents shall consider the representation of the petitioner, without taking note of the observation made in the earlier order, dated 25.10.2019 in Rev.A. (Writ) No.192 of 2019 viz., "after the final order passed in W.A.No.2820 of 2018".

10. As such, the first respondent shall consider the representation of the petitioner independently, uninfluenced by the order, dated 25.10.2019 and pass appropriate orders on merit and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order. It is needless to say that the first respondent shall pass detailed order on the representation of the petitioner.

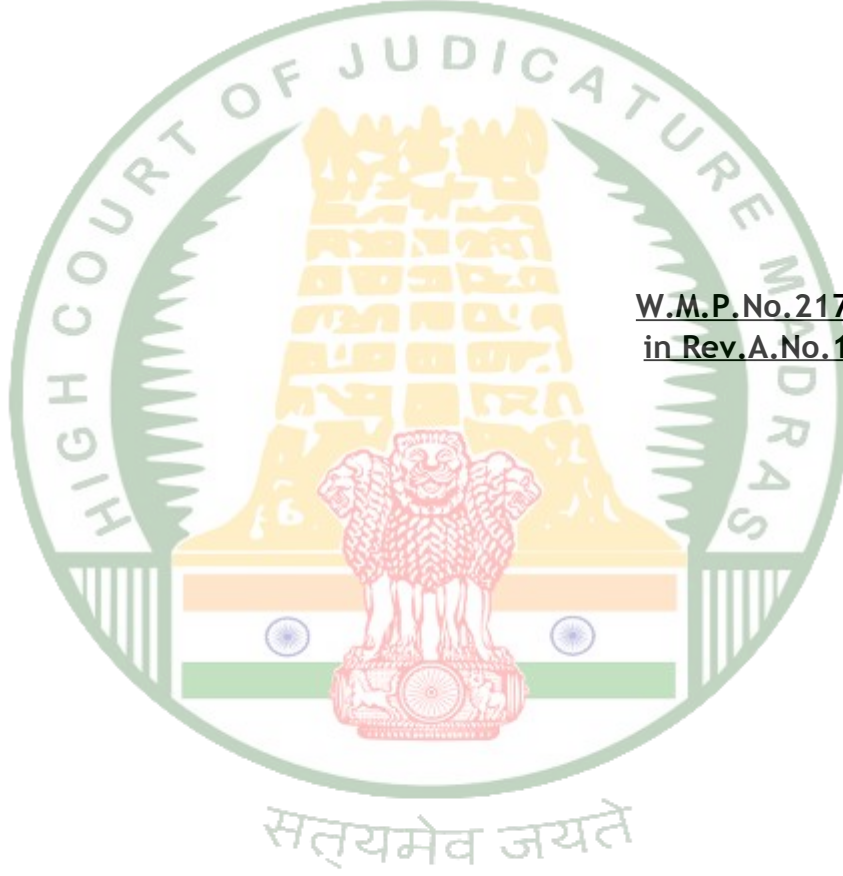
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D.KRISHNAKUMAR, J.
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in Rev.A.No.192 of 2019

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Date: 7.01.2021

Dated: 22.12.2020

In as much as the report filed by the Superintending Engineer, P.W.D., he has given the details of availability of water in Thirumurthy Dam, Uppar Dam as on 18.12.2020. However, Superintending Engineer has not furnished further details regarding release of water to P.A.P. Ayacut and also total quantity of water required for release of water to two zones for both irrigation in 3 zones and drinking water. The total requirement of water is not specifically mentioned in the report to release water from Thirumurthy Dam to P.A.P. ayacuts and Uppar dam. Therefore, in order to comply with the Government order, the Chief Engineer has to examine the water level and find out solution to implement the Government order without prejudice to the final order to be passed in the writ petition.