



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P(MD) No.18061 of 2021

and W.M.P. (MD) No.14942 of 2021

WEB COPY

R.Seenivasan

... Petitioner

Vs.

1.The Commissioner,
Fisheries Department,
Chennai - 600 035.

2.The Deputy Director,
Fisheries Department,
Madurai Region,
Madurai.

3.The Joint Director,
Fisheries Department,
Thoothukudi Region,
Thoothukudi.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.592/A/2021 dated 15.02.201, quash the same as illegal and consequently permit the petitioner to work in the appointed post of Assistant in the Fisheries Department.

For Petitioner	:	Mr.M.Veilkaniraju
For Respondents	:	Mr.A.K.Manikkam, Standing Counsel for State.

O R D E R

This Writ Petition has been filed challenging the impugned order dated 15.02.2021, passed by the second respondent and for a consequential direction to the respondents to permit the petitioner to work in the appointed post of Assistant in the Fisheries Department.

2. According to the petitioner, he joined the duty as Assistant in the Fisheries Department in the year 2013. Thereafter, the petitioner informed the Fisheries Department that he was not willing to continue the job. However, vide letter dated 10.03.2013, he requested the Department to allow him to work in the Assistant post.



Since the same was not considered, the petitioner has filed a writ petition in W.P.(MD)No.21147 of 2016, seeking to allow him to work in the appointed post of Assistant, by considering his representation dated 19.09.2016. This Court, by order dated 04.11.2016 disposed of the said Writ Petition, with a direction to the second respondent therein to consider the representation of the petitioner dated 05.10.2016. After obtaining the aforesaid order, there was no response from the respondents. Hence, the petitioner filed another Writ Petition in W.P.(MD)No.19671 of 2020 and the same was disposed of with a direction to the respondent therein to consider the petitioner's representation dated 05.11.2020. However, the second respondent has rejected the claim of the petitioner vide impugned order dated 15.02.2021. Challenging the said order, the petitioner has filed this Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for State appearing for the respondents and perused the materials available on record.

4. On a perusal of the impugned order, it is seen that the petitioner was joined duty on 30.01.2013 and from the next day onwards viz., on 31.01.2013, the petitioner did not report to duty. Thereafter, the respondent came to know that the petitioner is working as Sales Man in the Tamil Nadu State Marketing Corporation Limited. Hence, the second respondent has rejected the request made by the petitioner.

5. Considering the facts and circumstances of the case, this Court is of the view that the reason stated in the impugned order is perfectly valid and the petitioner did not have any right to claim job in the respondents department, after a period of 8 years taking advantage of the fact that he joined duty on 30.01.2013 in the respondents Department. Hence, the second respondent has rightly rejected the claim of the petitioner. Therefore, there is no reason to interfere with the impugned order passed by the second respondent.

6. In fine this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

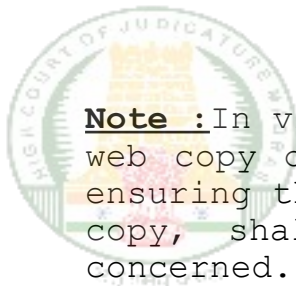
Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

VSM



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.

WEB COPY

To

- 1.The Commissioner,
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Chennai - 600 035.
- 2.The Deputy Director,
Fisheries Department,
Madurai Region,
Madurai.
- 3.The Joint Director,
Fisheries Department,
Thoothukudi Region,
Thoothukudi.

+1 CC to M/s.SPL.GP (SR-31525[F] dated 07/10/2021)

W.P (MD) No.18061 of 2021
05.10.2021

RD/UV (02.11.2021) 3P 5C