



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.18450 of 2018

WEB COPY

N.Selvaraj

... Petitioner

-vs-

1.The District Collector
Ramanathapuram
Ramanathapuram District

2.The Personal Assistant
to the District Collector (General)
Ramanathapuram District
Ramanathapuram

3.The Sub-Collector
O/o.the Sub-Collector
Paramakudi
Ramanathapuram District

4.The Tahsildar
Paramakudi
Ramanathapuram District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent No.1 to appoint the petitioner in the post of Masalchi (Regular Vacancy) with all consequential benefits by considering the proposal sent by the respondent No.3, dated 20.04.2018, within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.K.Manikkam
Government Counsel

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus directing the first respondent to appoint the petitioner in the post of Masalchi (Regular Vacancy) with all consequential benefits by considering the proposal dated 20.04.2018 sent by the third respondent, within the time stipulated by this Court.



2. According to the petitioner, he was appointed as Masalchi and thereafter, during 1998, he was promoted as Jeep Driver and after completion of ten years, he was awarded with selection grade in the post of Jeep Driver. In such circumstances, based on the allegation of submitting false certificate, disciplinary proceedings were initiated against the petitioner and punishment of reduction of rank to the post of Masalchi was imposed on him and accordingly, he is working as Masalchi on daily wage basis till date. Aggrieved over the same, the petitioner made a representation, dated 13.04.2018, to the third respondent seeking to appoint him in the permanent post of Masalchi. Based on the said representation, the third respondent vide proceedings dated 20.04.2018, made a recommendation to the first respondent to bring the petitioner under the regular time scale of pay. However, the said representation is pending consideration before the first respondent till date. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that it would be suffice if the first respondent is directed to consider the petitioner's representation, dated 13.04.2018 by taking note of the proposal submitted by the third respondent dated 20.04.2018, at the earliest, for which the learned Government Counsel appearing for the respondents has no serious objection.

4. Considering the facts and circumstances of the case and also the submission made by the learned counsel for the parties, without going into the merits of the matter, this Court directs the first respondent to consider the petitioner's representation dated 13.04.2018 by taking note of the proposal submitted by the third respondent dated 20.04.2018, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

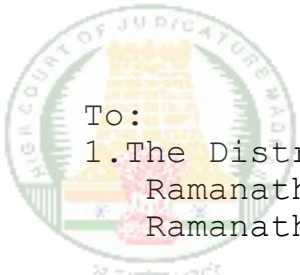
Sub Assistant Registrar(CS)

krk

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Personal Assistant
to the District Collector (General),
Ramanathapuram District,
Ramanathapuram.

3.The Sub-Collector,
O/o.the Sub-Collector,
Paramakudi,
Ramanathapuram District.

4.The Tahsildar,
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-29226[F] dated
16/09/2021)

+1 CC to M/s.SPL. GP (SR-29447[F] dated 17/09/2021)

W.P. (MD) No.18450 of 2018
15.09.2021

RK (24.09.2021) 3P 7C