



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.20488 of 2016

S.Akkinikumar

.. Petitioner

Vs.

1.The State rep by its
Addiional Chief Secretary,
Revenue Department cum
Commissioner of Revenue Administration
Secretariat,
Chennai.

2.The District Collector,
Tirunelveli,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to declare the probation of the petitioner with effect from 30.07.2003 by considering the proposal submitted by the 2nd respondent dated 10.03.2016 and the petitioner representation dated 03.05.2016.

For Petitioner
For Respondents

: Mr.V.Panneer Selvam
: Mr.M.Lingadurai
Government Advocate

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to declare the probation of the petitioner with effect from 30.07.2003, by considering the proposal submitted by the second respondent dated 10.03.2016 and the petitioner representation dated 03.05.2016.

2.The petitioner was appointed as Junior Assistant on 23.07.2001 on compassionate ground. He also joined in service on 30.07.2001. It is stated that the petitioner's service was regularised vide G.O.(2D)No.326 Revenue (Service) 9-1 Department, dated 20.06.2003. It is the case of the petitioner that in the Government order, the date of joining was wrongly mentioned as 31.07.2001 instead of 30.07.2001.



3.The only grievance of the petitioner is that his request for declaration of his probation is pending with the respondents and that despite several representations and reminders, the respondents has not passed any orders.

4. According to the petitioner, he is entitled to get salary on 31.07.2001 and the salary was also disbursed. However, it is stated that the petitioner's probation was not declared, despite the fact that his appointment was regularized long back. Since he apprehends that the delay in considering the petitioner's representation may be on account of confusion with regard to the petitioner's date of joining, the learned counsel appearing for the petitioner submitted that it would suffice if the proposal dated 10.03.2016 submitted by the second respondent is directed to be considered by the first respondent, within a stipulated time.

5.The learned Government Advocate appearing for the respondents has no serious objection for such an order being passed by this Court.

6.Considering the submissions made on either side, this Court directs the first respondent to consider the proposal submitted by the second respondent dated 10.03.2016 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

To

1.The Addiional Chief Secretary,
Revenue Department cum
Commissioner of Revenue Administration
Secretariat,
Chennai.



2.The District Collector,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-30511[F] dated 28/09/2021)

WEB COPY

W.P. (MD) .No.20488 of 2016
24.09.2021

SE (CO)
KB (08.10.2021) 3P 4C