



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.24967 of 2016

M.Lukman Hakeem

.. Petitioner

Vs

1.The Inspector General of Prison,
Anna Salai,
Chennai-2.

2.The Superintendent,
Central Prison,
Madurai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to consider the petitioner's representation dated 23.07.2015 and his wife's representation dated 10.03.2016 within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.A.Saravanan

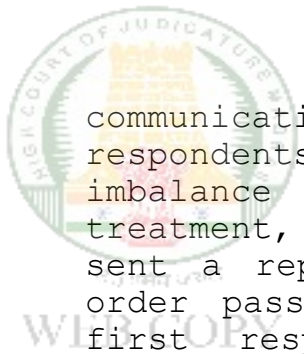
For Respondents : Mr.M.Muthugeethayan
Special Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

This petition has been filed, seeking to direct the respondents herein to consider the petitioner's representation dated 23.07.2015 and his wife's representation dated 10.03.2016 within the stipulated time that may be fixed by this Court.

2. The case of the petitioner is that while the petitioner was working as Constable Grade-II in prison department, he applied for Medical Leave from 09.09.1991 to 30.09.1991 and subsequently, it was extended from 01.10.1991 to 30.10.1991 and further from 01.11.1991 to 30.01.1994. Thereafter, no communication from the petitioner about his whereabouts. Hence, the superior authority issued a proceedings on 03.01.1992 declared the petitioner as deserted from the service and his name was removed from the attendance register from 01.12.1991 and the said communication was received by the petitioner's mother on 20.01.1992. On receipt of the said



communication, dated 03.01.1992, she sent a representation to the respondents stating that the petitioner was suffering from mental imbalance and he could not join duty. Thereby, because of his treatment, the petitioner was relieved from the mental illness and sent a representation to the first respondent to reconsider the order passed by the second respondent dated 03.01.1992. But the first respondent rejected the petitioner's representation by proceedings vide No.66886/E2(4) 2000, dated 27.12.2000, on the ground that his representation was not in time and the reasons for absence of duty was not acceptable. Challenging the said proceedings, the petitioner filed Original Application in O.A.No.4887 of 2001 before the State Administrative Tribunal of Tamilnadu, Chennai. During the pendency of the OA, the State Administrative Tribunal was abolished and the said case was treated as writ petition and the same was renumbered as W.P.No.4648 of 2007 before this Court. This Court, by its order, dated 01.11.2007 issued a direction to the respondents to initiate the departmental action and take a decision about his further continuation of duty, against which the respondents therein filed a writ appeal before this Court in W.A(MD).No.477 of 2008 and this Court, by its order dated 22.07.2008, disposed of the writ appeal issuing a direction to the petitioner to appear before the Medical Board, thereby, depending upon the opinion of the Medical Board, the authority has to decide whether the petitioner may join duty or not. In pursuance to that the petitioner appeared before the Medical Board and obtained medical fitness certificate on 20.05.2008 from the Government Rajaji Hospital, Madurai. Even then, the petitioner was not reinstated to duty. In the meanwhile, he got retirement age of 58. Therefore, he made a representation to the respondents on 23.07.2015 to settle the terminal benefits, but the respondents has not considered the said representation. Subsequently, the petitioner's wife made a representation on 10.03.2016 for the same relief, but till date no order was passed on the said representation. Hence the petitioner approached this Court with the above said prayer.

3. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 23.07.2015 is disposed of by the respondents at the earliest.

4. Learned Special Government Pleader appearing for the respondents has no serious objection to consider the petitioner's representation, in accordance with law.

5. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation dated 23.07.2015 submitted by the petitioner and to pass appropriate orders thereon on merits and in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order, if there is no legal impediments to do so.



6. With the above direction, this Writ Petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar(CS-III)

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Inspector General of Prison,
Anna Salai,
Chennai-2.

2.The Superintendent,
Central Prison,
Madurai.

+5 CC to M/s.A.SARAVANAN, Advocate (SR-9753[F] dated 10/03/2021)

+1 CC to M/s.SPL GP (SR-10207[F] dated 10/03/2021)

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TR(09.04.2021) 3P 9C