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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6406 of 2022
and
W.M.P.No.6488 of 2022

A.Ananthakrishnan

... Petitioner

Vs.

1. The Chief Engineer,
Highways Department,
75, Sardar Patel Salai,
Guindy, Chennai - 600 032.
2. The Superintending Engineer (C&M)
Highways Department,
Villupuram,
Villupuram District.
3. The Divisional Engineer,
Highways Department,
Cuddalore,
Cuddalore District.

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, to call for the records relating the impugned order issued by the 3rd respondent in Ku.No.899/2016/Aa1 dated 20.03.2017, served on the petitioner on 27.03.2017 and to quash the same and consequently directing the respondents to regularize the period of service from the date of appointment on 12.04.1999 by considering the services rendered by the petitioner, with all consequential and other attendant benefits, including the grant of General Provident Fund (GPF) under Tamil Nadu Pension Rules, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Prabhakaran
Government Advocate



ORDER

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

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2. The case of the petitioner in brief:

The petitioner was working as Gang Mazdoor in the respondent department and he was terminated from his service vide order dated 10.08.2021. Challenging the said order, the petitioner has filed O.A No.6131 of 2001 before the Tamil Nadu Administrative Tribunal, wherein an order of interim stay was granted. Thereafter, the petitioner made a representation to reinstate him into service with necessary documents and materials to prove the genuineness of his educational qualification and accordingly, the petitioner was issued with an order of reinstatement into service, dated 12.01.2007 and he also joined the service on 13.01.2007. Instead of reinstatement into service, his appointment was termed as fresh appointment to the post of Gang Mazdoor. Thereafter, the petitioner submitted a representation to the respondents to regularize his service from the date of initial appointment on 12.04.1999 and the same was rejected by the 3rd respondent by his proceedings dated 20.03.2017. After receipt of the said impugned order, the petitioner made a representation to the 2nd respondent on 20.06.2021 and the same was not considered till date. Hence, the petitioner has filed the instant writ petition.

3. Mr.S.Prabhakaran, learned Government Advocate appearing for the respondents agreed that the appellate authority shall consider the petitioner's claim and pass appropriate orders on merits and in accordance with law.

4. In view of the above submission and without expressing any opinion on merits, this court is inclined to direct the 2nd respondent to consider the petitioner's representation dated 20.06.2021, on merits and in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ata/uma



To

1. The Chief Engineer,
Highways Department,
75, Sardar Patel Salai,
Guindy, Chennai - 600 032.
2. The Superintending Engineer (C&M)
Highways Department,
Villupuram,
Villupuram District.
3. The Divisional Engineer,
Highways Department,
Cuddalore, Cuddalore District.

+1cc to M/s.G.Sankaran, Advocate, S.R.No.20116

+1cc to the Government Pleader, S.R.No.19881

W.P.No.6406 of 2022
and
W.M.P No.6488 of 2022

KV(CO)
SU(01/04/2022)