

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.15043 of 2022

1.G.Balakrishnan

2.S.Sankar

3.G.Murugan

4.R.Anbalagan

... Petitioners

vs.

1. The Secretary to Government,
Revenue and Disaster Management,
Secretariat, Chennai - 600009.

2. The Principal Secretary /
Commissioner of Revenue Administration,
Revenue Administration,
Chepauk, Chennai - 600 005.

3. The District Collector,
Tiruvannamalai District,
At Tiruvannamalai.

4. The Tahsildar,
Chengam Taluk,
Tiruvannamalai District.

5. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioners representation dated 02.05.2022 thereby direct the 3rd respondent to appoint the petitioners as office assistant or any other post in the respondents department by relaxing the upper age limit to the petitioners within a stipulated period of time.

For Petitioners : Mr.L.Chandrakumar
for Mr.B.Gopalakrishnan

For Respondents : Mr.S.Rajesh
Government Advocate

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to consider the petitioners representation dated 02.05.2022 thereby, directing the 3rd respondent to appoint the petitioners as Office Assistant or any other post in the respondents/Department by relaxing the upper age limit to the petitioners, within a stipulated period of time.

2. According to the petitioners, the petitioners have been appointed as Field Assistants from 01.04.2010 by the proceedings of the Special Tahsildar, Tiruvannamalai for the purpose of laying road for National Highway from Tindivanam to Krishnagiri. They were continuously worked for more than three years and subsequently, they were relieved from employment on 28.02.2012. Thereafter, they have made various representations to the respondents seeking re-employment in the post of Field Assistants. But the said request has not been considered. Hence, they filed W.P.No.13936 of 2012 before this Court seeking a direction to the Assistant Director, Land Survey Department, Tiruvannamalai District, to appoint them in the post of Field Assistants.

3. This Court by an order dated 05.06.2012 in W.P.No.13936 of 2012, has directed the Assistant Director, Land Survey Department, Tiruvannamalai District/the 2nd respondent therein, to consider the representation of the petitioners dated 21.05.2012, bearing in mind the recommendation dated 17.05.2012 made by the Special District Revenue Officer (LA), National Highways, Villupuram and pass orders within a period of two weeks from the date of receipt of a copy of the order. But so far no action was taken.

4. Thereafter, they have made several representations to the respondents, but so far, the said request has not been considered. The recommendation made by the Government Authorities to appoint them in the post of Field Assistants has also not been considered. Therefore, they have sent reminder representation dated 14.02.2020 to the respondents and the same has not been considered by them. Hence, they filed W.P.No.9152 of 2021 before this Court seeking a direction to the respondents therein to consider the petitioners' representation dated 14.02.2021 and pass suitable orders within a stipulated time.

5. This Court by an order dated 27.04.2021 in W.P.No.9152 of 2021, has directed the respondents to consider the representation of the petitioners 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 the order. Thereafter, the petitioners also filed Contempt Petition No.1445 of 2021 before this Court against the respondents. This Court by an order dated 12.04.2022, has closed the contempt petition with the following direction:-

"...2. If there is any chance for accommodating the petitioners, the District Collector is directed to give preference to the petitioners. Recording the same, this Contempt Petition is closed."

6. Thereafter, the petitioners made a representation dated 02.05.2022 respectively to the 3rd respondent requesting to give appointment to them in the post of Office Assistant in any of the department based on their educational qualification by relaxing the upper age limit and the said representation is still pending.

7. The learned counsel appearing for the petitioners has brought to notice of this Court that the 3rd respondent has forwarded the said proposal to the District Revenue Officer to consider for appointment in the said post by giving preference to the petitioners. Therefore, the petitioners made a request that the 1st respondent is the Competent Authority to consider their request for granting age relaxation. But the said relaxation has not been granted by the 1st respondent. Thereafter, the petitioners made representation dated 10.06.2022 to the respondents seeking appointment in the said post by giving age relaxation. But so far, the said representation is pending, no order has been passed.

8. The learned Government Advocate appearing for the respondents, on instructions, submitted that the petitioners' representation dated 10.06.2022 would be considered by the 1st respondent, if otherwise eligible.

9. In view of the above said submissions made by the parties, considering the limited scope of prayer and without expressing any opinion on merits, this Court is inclined to direct the 1st respondent to consider the petitioners' representation dated 10.06.2022 and pass appropriate orders on merits and in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioners are directed to furnish the copy of the representation dated 10.06.2022 along with this order before the 1st respondent.

10. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Secretary to Government,
Revenue and Disaster Management,
Secretariat, Chennai - 600009.
2. The Principal Secretary /
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5. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.

+1cc to Mr.B.Gopalakrishnan, Advocate, S.R.No.37725
+1cc to the Government Pleader, S.R.No.38270

W.P.No.15043 of 2022

RK[co]
NSK/20/07/2022