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W.P.No.28536 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28536 of 2022

B.Gopalakrishnan

... Petitioner

vs.

1 The Additional chief Secretary
Principal Secretary to Government social
Welfare and Women Empowerment Department
Fort St. George Chennai 600 009

2 The Director of Social Defence Department
No. 300, Purasaiwalkam high Road.
Chennai 600 010.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents to dispose of the petitioner's representation dated 14.03.2022 regarding to treat the period of non employment period as duty from 30.10.2012 to 25.03.2016 for all purposes.

For Petitioner : Mr.S.Illamvaludhi

For Respondents : Mrs.S.Anitha,
Special Government Pleader



ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to pass final orders on the petitioner's representation dated 14.03.2022 requesting the respondents to treat the period of the petitioner's non-employment from 30.10.2012 to 25.03.2016 as the period of duty within a time frame to be fixed by this Court.

2. The petitioner claims that earlier he was imposed punishment of compulsory retirement which was subsequently set aside. The petitioner also claims that his non employment period from 30.10.2012 to 25.03.2016 should be treated as period of duty. The petitioner has given a representation on 14.03.2022 for the said purpose. Since the representation of the petitioner has not been considered, he has filed this writ petition.

3. Heard Mr.S.Illamvaludhi, learned counsel for the petitioner and Mrs.S.Anitha, learned Special Government Pleader appearing for the respondents.

4. The petitioner has filed documents/orders in support of his claim



that the period of his non employment ie.,from 30.10.2012 to 25.03.2016 will have to be treated as period of duty.

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5. This Court is not expressing any opinion on the merits of the petitioner's claim and it is for the respondent to consider the same on merits and in accordance with law.

6. No prejudice would be caused to the respondents, if they are directed to consider the petitioner's representation dated 14.03.2022 requesting them to treat the period of his non-employment i.e., 30.10.2012 to 25.03.2016 as period of duty on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioner's representation dated 14.03.2022 seeking for treating the period of his non employment i.e., from 30.10.2012 to 25.03.2016 as period of duty within a period of twelve weeks from the date of receipt of a copy of this Order.

8. With the aforesaid direction, this writ petition is disposed of. No



costs.

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Index:Yes/No

Speaking/Non-speaking orders

To

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ABDUL QUDDHOSE, J.



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