

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 12.10.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.19504 of 2022**

Senthilkumar

... Petitioner

Vs.

1. The District Collector,
Trichy District, Trichy.

2. The Commissioner,
Adi-Dravidar Welfare Department,
Chennai – 600 005.

3. The District Adi-Dravidar and Tribal Welfare Officer,
Trichy District, Trichy.

4. The Special Tahsildar,
Adi-Dravidar Welfare Department,
Thuraiyoor, Trichy District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents Nos.3 and 4 to allow the petitioner to join in the Cook post at Government Adi-Dravidar Welfare Hostel at Thulaiyanatham, Trichy District as per the appointment order issued by the 3rd respondent herein by their proceeding in Na.Ka.No.Ma4/19616/2020 dated 11.02.2022 by considering the petitioner's representation dated 27.07.2022.

For Petitioner : Mr.A.Robinson

For Respondents: Mr.R.Suresh Kumar,
Additional Government Pleader.

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ORDER

Heard the learned counsel on either side.

2. The petitioner was appointed as a Cook vide proceedings dated 11.02.2022 issued by the third respondent. The grievance of the petitioner is that he is not being allowed to report for duty. That led to the filing of this writ petition after submission of a representation dated 27.07.2022.

3. Notice was ordered and counter affidavit has been filed.

4. The learned Additional Government Pleader appearing for the respondents raised twofold contentions. His first contention was that the writ petitioner did not join duty within fifteen days and that therefore appointment stood

cancelled. Secondly, the entire appointment process is vitiated by corrupt practice and that all the appointments made by Thiru.C.Saravanakumar, the then District Adi-Dravidar and Tribal Welfare Officer, Trichy had been cancelled. The learned counsel also relied on a few decisions. In such cases where there is vitiation of proceedings. But in this case, there is no need to apply the principles of natural justice. He pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. His first contention and the second contention do not go together. The specific stand of the petitioner is that he was not allowed to join duty. The stand of the respondents is that the petitioner did not report for duty. The stand of the respondents cannot be appreciated. No person who has been issued with appointment order would delay in joining the duty. In any event, Clause 7 of the order dated 11.02.2022 which stipulates that the appointee must report for duty within 15 days and in default, the appointment order will be cancelled.

In this case, no such order of cancellation has been passed till date.

7. Even paragraph No.13 of the counter affidavit reads that some of the appointments made in the case of similarly placed persons had been cancelled and that therefore the appointment made to the petitioner is also liable to be cancelled. So long as the respondents have not passed any order formally cancelling the petitioner's appointment, they cannot decline to allot him posting. If the respondents want to cancel the petitioner's appointment, obviously they have to put the petitioner on notice. Subject to the right of the respondents to cancel the petitioner's appointment in the manner known to law, respondents 3 and 4 are obliged to permit the petitioner to join as Cook in the petition mentioned hostel.

8. This writ petition stands allowed on these terms.

No costs.

12.10.2022

Index : Yes / No

Internet : Yes/ No

PMU

Note : Issue order copy on 13.10.2022.

To:

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G.R.SWAMINATHAN,J.

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