



WEB COPY



W.P.No.574 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.574 of 2022

S.Senthilkumar

... Petitioner

Vs.

1.The Commissioner,
Directorate of Technical Education,
Chennai – 25.

2.The Principal,
Vallivalam Desikar Polytechnic College,
Nagapattinam.

3.The Government of Tamil Nadu,
Represented by its Secretary,
Technical Education,
Fort St. George, Chennai – 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to appoint the petitioner to the post of Junior Assistant as per G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989, with all attendant and monetary benefits from the date of initial appointment as sought vide representation dated 04.01.2020.



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For Petitioner : Mr.N.A.Nassir Hussain
For R1 and R3 : Mr.P.Baladhandayutham
Special Government Pleader
For R2 : Mr.N.A.Nissar Ahmed
Standing Counsel
for Mr.I.Kawser Nissar

ORDER

This writ petition has been filed to direct the 1st respondent to appoint the petitioner to the post of Junior Assistant as per G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989, with all attendant and monetary benefits from the date of initial appointment as sought vide representation dated 04.01.2020.

2.The petitioner states that he was appointed as Record Clerk on 02.07.2001 on compassionate grounds after the death of his father, who died in harness on 11.08.2000. It is the case of the petitioner that he had passed Higher Secondary and ITI even as on the date of his appointment. It is the grievance of the petitioner that G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989, mandates that a dependent appointed to a lower post like Record Clerk, Office Assistant and Sweeper on compassionate grounds, but if possesses qualification



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required for the post of Junior Assistant at the time of initial appointment to a lower post, may be appointed as Junior Assistant. In this regard, the petitioner has submitted his representation through proper channel on 04.01.2020, however, the same has not been considered by the respondents. Hence, the present writ petition has been filed seeking directions to the respondents to appoint the petitioner as Junior Assistant.

3.Heard the learned counsel for the petitioner.

4.Mr.P.Baladhandayutham, learned Special Government Pleader, appearing for the respondents 1 and 3, submitted that the petitioner's representation has not been received by the Government.

5.In such view of the matter and having regard to the facts and circumstances of the case, the petitioner is directed to submit a fresh representation to the 2nd respondent College, within one week, and on receipt of such representation, the 2nd respondent College shall send a proposal to the Government, without any delay, and on receipt of such proposal, the Government shall consider the same and pass appropriate orders, on merits and in accordance with law and in the light of



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G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated

03.08.1989. The entire exercise shall be completed within an outer time

limit of two months from the date of this order.

6.With the above directions, this writ petition is disposed of. No

costs.

16.08.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1.The Commissioner,
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Chennai – 25.

2.The Principal,
Vallivalam Desikar Polytechnic College,
Nagapattinam.

3.The Secretary,
Government of Tamil Nadu,
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N. SATHISH KUMAR, J.



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