



W.P.No.32397 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.32397 of 2012 and
MP.No.1 of 2012

K.R.Venkatesan

... Petitioner

Vs.

- 1.The Commissioner,
HR&CE Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai
- 2.The Joint Commissioner,
HR&CE Department,
Dr.Balasundaram Street,
Coimbatore -18
- 3.The Executive Officer/Assistant Commissioner,
Arulmighu Subramaniaswamy Thiru Koil, Sivanmalai,
Kangeyam Taluk, Thirupur District
- 4.The Fit Person / Trust Board,
The Assistant Commissioner HR&CE,
Thirupur District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the first respondent to approve the recommendation of the second respondent dated 28.07.2011 made in O.Mu.No.3578/2011/A2 and consequently grant such service benefits from the date of proposal with effect from 10.02.2011, the date on which the Management had submitted its proposal for absorbing the



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petitioner in the regular time scale of pay as Karunai Illam Warden.

For Petitioner : Mr.M.Silambarasan

For Respondents : Mr.K.Karthikeyan,
Government Advocate(HR&CE)

ORDER

This writ petition has been filed for direction to the first respondent to approve the recommendation of the second respondent dated 28.07.2011.

2. The petitioner was appointed as Karunai Illam Warden under the third respondent. He was appointed on daily wage basis by order dated 01.03.1999. Though the post of Warden is approved by the first respondent, the petitioner was not placed on regular scale of pay. Thereafter, the third respondent by the proceedings dated 11.01.2001, forwarded the proposal for his absorption in the post of Karunai Illam Warden on regular time scale. Thereafter, the second respondent also had sent a proposal to the first respondent for his permanent absorption. However, while pending consideration of the proposal sent by the second



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respondent, the petitioner attained age of superannuation.

3. Considering the above facts and circumstances, the first respondent is directed to consider the request made by the petitioner and pass orders after considering the proposal sent by the second respondent dated 28.07.2011 within a period of twelve weeks from the date of receipt of copy of this order.

4. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

14.09.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok



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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Commissioner,
HR&CE Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai
- 2.The Joint Commissioner,
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- 3.The Executive Officer/Assistant Commissioner,
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Kangeyam Taluk, Thirupur District
- 4.The Fit Person / Trust Board,
The Assistant Commissioner HR&CE,
Thirupur District
- 5.The Government Advocate,
High Court, Madras.

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