



W.P. No.15029 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 15.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P. No.15029 of 2020
and WMP.Nos.18722 and 18724 of 2020

V.Velmurugan

.. Petitioner

Versus

1. The Union of India,
Rep. by its Secretary to Government,
Ministry of Youth Affairs & Sports,
Sastri Bhavan, New Delhi.
2. The Director General,
Nehru Yuva Kendra Sangathan,
An Autonomous Body under
Department of Youth Affairs and Sports,
Ground Floor, Jeevan Deep Building,
Parliament Street, New Delhi 110 001.
3. The Executive Director,
Nehru Yuva Kendra Sangathan,
Ground Floor, Jeevan Deep Building,
Parliament Street, New Delhi 110 001.
4. The Director (Personnel)
Nehru Yuva Kendra Sangathan,
Ground Floor, Jeevan Deep Building,
Parliament Street, New Delhi 110 001.

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5. The State Director (i/c),
Nehru Yuva Kendra Sangathan,
No.71, 2nd Main Road,
V.G.P.Layout Part-III,
Palavakkam, Chennai 600 041.

6. The Registrar,
Central Administrative Tribunal,
Chennai Bench,
High Court Campus,
Chennai 600 104.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 6th respondent in OA.No.392 of 2020 dated 21.09.2020 and quash the same and consequently direct the respondents 1 to 5 to reinstate the petitioner into service in the post of District Youth Coordinator with all consequential and other attendant benefits including arrears of salary, within a time frame to be fixed by this Court.

For petitioner : Mr.M.Vijaya Mehanath

For respondents

for RR1 to 5 : Mr.AR.L.Sundaresan, ASG
for Ms.P.J.Anitha, CGS
for R6 : Tribunal



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ORDER

WEB COPY (The Order of the Court was made by D.KRISHNAKUMAR, J)

This petition has been filed to quash the order dated 21.09.2020 passed by the Tribunal in OA.No.392 of 2020 and consequently direct the respondents 1 to 5 to reinstate the petitioner into service in the post of District Youth Coordinator with all consequential and other attendant benefits including arrears of salary, within a time frame to be fixed by this Court.

2. It is the case of the petitioner that he was appointed as District Youth Co-ordinator (DYC) in the second respondent Department on 19.09.1992 in Lakshadweep Islands and thereafter, he was transferred to various places. On 10.02.2020, once again a proceedings was issued to transfer him from Coimbatore to Karnataka. Challenging the same, the petitioner filed OA.No.287 of 2020, which was disposed of, directing the petitioner to make a representation before the competent authority. The representation given by the petitioner was rejected and the same was challenged in another OA, which was disposed of with a direction to the



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petitioner to make a fresh representation. As per the direction, the petitioner gave a fresh representation, which was also rejected. Challenging the same, the petitioner filed O.A.No.392 of 2020 and the same was dismissed. Hence, the present Writ Petition.

3. The learned counsel for the petitioner submitted that the petitioner filed OA challenging the order of compulsory retirement dated 06.07.2020. The said OA was dismissed as not maintainable on the ground of not exhausting the alternative remedy by referring subsequent O.M. dated 28.08.2020, which is non est in the eye of law.

4. Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing for the respondents 1 to 5 submitted that in the interest of administration only, the petitioner's application for continuation of service was rejected and he was compulsorily retired from service stating that his service is no more useful to the Department. He further submitted that if the petitioner has any grievance, he may go before the Representation Committee and re-agitate the matter.



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5. In reply, the learned counsel for the petitioner informed this Court that in such case, the petitioner's application may be considered by the said Committee at the earliest without any delay.

6. Considering the submissions of both the parties, this Court without going into the merits of the case, passes the following orders:

i) The petitioner shall make an application to the Representation Committee within a period of two weeks from the date of receipt of a copy of this order along with necessary particulars, if any.

ii) On receipt of such representation, the Representation Committee shall consider the petitioner's application and pass appropriate orders as early as possible within a period of 12 weeks, therefrom.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J] [P.D.B., J]
15.12.2023

Speaking order: Yes/No
Index : Yes/No
pvs

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To

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Sastri Bhavan, New Delhi.
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WEB COPY



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