



WEB COPY

W.P.No.9772 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.9772 of 2024

A. Selvi

... Petitioner

-Vs-

1. The State of Tamil Nadu
Rep.by its Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Secretariat,
Chennai 600 009.
2. The Commissioner
Adi Dravidar Welfare Department,
CHepauk, Chennai 600 005.
3. The Director
Tribal Welfare Department,
Chepauk, Chennai 600 005.
4. The Collector
Dharmapuri District
Dharmapuri.
5. The District Adi Dravidar Welfare Officer,
Dharmapuri District,
Dharmapuri.
6. The Project Officer,
Tribal Welfare Department
Dharmapuri District,
Dharmapuri.

... Respondents



Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to regularise the period of service of the petitioner in the post of Cook for the period from 23.07.2022 to 06.03.2023 with all consequential and other attendant service benefits including time scale of pay and monetary benefits in consideration of representation submitted by the petitioner dated 22.02.2024 within the time frame fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.C.Jayaprakash
Government Advocate

ORDER

This writ petition is filed for issuance of a writ of mandamus to direct the respondents to pass orders by regularising the period of service in the post of Cook for the period from 23.07.2022 to 06.03.2023 with all consequential and other attendant service benefits.

2. By consent of both the parties, this writ petition is taken up for final disposal.

3. Upon perusal of the records of the case, it can be seen that after appointment of the petitioner, the petitioner was terminated from service by an



W.P.No.9772 of 20

order dated 22.07.2022. The petitioner therefore approached this Court by way of filing W.P.No.244 of 2023 and by judgment dated 05.01.2023 this Court directed that the petitioner be continued in service and shall not be disturbed in service and gave liberty to the respondents to issue fresh show cause notice to the petitioner and take decision after giving an opportunity of personal hearing to the petitioner. Thereafter even though by an order dated 06.03.2023 the petitioner was reinstated into service which only states that the petitioner was reinstated into service in compliance of the Court order, no further steps have been taken. Neither any show cause notice has been issued nor any orders have been passed in regularising the service of the petitioner, granting further increments etc. The petitioner was regularly appointed and the respondents are liable to grant all benefits to the petitioner.

4. The learned Government Advocate submitted that even as per the earlier order liberty was given to the respondents to take action a fresh and to issue show cause notice. Even before the same could be done the petitioner has approached this Court by way of filing this writ petition.

5. Heard both sides and perused the materials available on record.



W.P.No.9772 of 20

6. It may be that by an order dated 05.01.2023, this Court have given liberty to the respondents to issue show cause notice and decide the matter afresh. It will be open for the respondents to decide the matter afresh. But in the meanwhile all the benefits which have to be granted cannot be kept pending or stopped for the purpose that they may intend to issue a show cause notice.

7. In view thereof, this writ petition is disposed of on the following terms.

1. the petitioner is already reinstated into service in compliance of the order dated 05.01.2023 and the petitioner shall be deemed to be working on regular basis and all the benefits due in respect of the said employment would be granted to the petitioner;

2. Needless to state as per the liberty given by this Court in the earlier order, the respondents will be at liberty to issue show cause notice and decide the matter afresh. No costs.

10.04.2024

Index : Yes/No
Speaking order/Non-speaking order
dpq



To

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W.P.No.9772 of 20

D. BHARATHA CHAKRAVARTHY, J.

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W.P.No.9772 of 2024

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