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W.P.No.24718 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.24718 of 2021

K.Jebaraj

...

Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Joint Director/Project Director,
District Rural Block Development Office,
Kancheepuram District,
Kancheepuram.
3. Block Development Officer,
(Village Panchayat),
Kundrathur Panchayat Union,
Padappai, Kancheepuram District.
- 4.. Executive Officer,
Thandalam Panchayat,
Kundrathur Panchayat Union,
Thandalam, Kancheepuram District.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd and 4th respondents to consider petitioner's representations including the latest representation dated 01.09.2021



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in accordance with the urgent memo Na.Ka.No.17562/2020/ P.Aa2, dated 04.12.2020 issued by the 1st Respondent and issue rejoining order of the petitioner without any further delay and pass such further or other orders as this court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.Prasadh
For Respondents : Mr.S.Arumugam, Govt.Advocate for RR1 & 2
: Mr.L.S.N.Hasan Fizal for RR3 & 4

ORDER

The petitioner has filed this Writ of Mandamus seeking direction against the 4th respondent to consider his representation dated 01.09.2021 in accordance with the urgent memo Na.Ka.No.17562/2020/ P.Aa2, dated 04.12.2020 issued by the 1st respondent and to issue orders for rejoining him.

2. Heard, Mr.R.Prasadh, learned counsel for the petitioner and Mr.S.Arumugam, learned Government Advocate for the respondents 1 and 2 and Mr.L.S.N.Hasan Fizal learned counsel for the respondents 3 & 4 and perused the materials available on record.

3. Mr.R.Prasadh, learned counsel for the petitioner submitted that the petitioner went on leave from 23.06.2014 due to his health condition. During December 2018, the petitioner's health condition improved and he produced



physical fitness certificate to the 4th respondent; however the same was not considered. The 2nd respondent has issued proceedings in Na.Ka.No.6252/2018/Aa13, dated 19.02.2019 to the 3rd respondent and directed him to take immediate steps upon the petitioner's representation. The repeated representations of the petitioner is of no avail and hence, the petitioner has filed this petition seeking directions.

4. Mr.S.Arumugam, learned Government Advocate for the respondents 1 and 2 submitted that the petitioner has not granted with any leave and his absence was considered as unauthorized absence and he was removed from service in view of his prolonged absent from 09.06.2016 . The petitioner had been giving representation unnecessarily after he was removed from service and hence, the petition should be dismissed as infructuous.

5. The learned counsel for the petitioner submitted that the order of removal as stated by the respondents has not been served upon him and hence, he is not aware of the order itself.

6. If verification of records, shows that the order of removal has not been served on the petitioner so far, it shall be served. In such case, it is open to the petitioner to file an appeal with any petition to condone the delay. If the records of the 4th respondent show that the copy of the order of removal has already been



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served on the petitioner, the above direction can be ignored.

R.N.MANJULA, J.

jrs

7. With the above observation, this writ petition is **disposed**. No costs.

Consequently, the connected miscellaneous petitions are closed.

12.02.2024

Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs

To

- 1.The District Collector,
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