



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21623 of 2024

V.Muthukumar

... Petitioner

Vs.

1.Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai - 600 005.

2.The District Adi Dravidar and Tribal Welfare Officer,
Thenkasi,
Thenkasi District.

3.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, St. George Fort,
Chennai -09.

*(R3 is suo motu impleaded as per order of this Court
dated 01.10.2024 in W.P(MD)No.21623 of 2024)*

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.No.A3/8661/2021, dated 16.04.2024 and quash the same and consequently direct the respondents to reinstate the petitioner in services with all service benefits in the post of cook within the time limit that may be stipulated by this Court.



For Petitioner : Mr.K.Gurunathan
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Cook, seeking a mandamus directing the respondents to reinstate him in service with all service benefits.

2.The petitioner herein who was originally working as Cook in Adi Dravidar Welfare Hostel has resigned from his job in order to contest in the local body elections. After having suffered defeat, the petitioner has again approached the concerned authorities for reinstatement. The petitioner has sent a representation to the first respondent herein seeking the said relief. The first respondent herein has rejected the said request of the petitioner on the ground that the petitioner having resigned from the post, he will not be entitled for any reinstatement.

3.The petitioner has addressed a representation to the third respondent herein on 02.04.2024 and so far, the said representation has not been disposed of.



4.The learned Additional Government Pleader appearing for the respondents herein had contended that the petitioner having resigned from the post would not be entitled to get reinstatement, in view of the Section 49 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. He further pointed out that upper age limit for being appointed as a cook is 35 years. The petitioner having crossed the said age, he would not be entitled any fresh appointment also. However, the learned Counsel appearing for the writ petitioner had contended that the Government is empowered to consider relaxation of the age limit and therefore, he prayed for direction to the third respondent herein to consider his representation.

5.Considering the above said facts, the third respondent herein is directed to consider the representation of the writ petitioner, dated 02.04.2024 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above said observations, this writ petition stands disposed of.

No costs.

01.10.2024

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No

RJR

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To

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Thenkasi District.

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R.VIJAYAKUMAR, J.

RJR

W.P(MD)No.21623 of 2024

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