



W.P.(MD) No.21145 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.21145 of 2018

and

W.M.P.(MD) No.18962 of 2018

N.Kasimayan

... Petitioner

-VS-

- 1.The Assistant Director
Office of the Assistant Director
Land Survey & Record Department
Office of the District Collector
Madurai-625 020
- 2.The General Manager
Tamilnadu Ex-Servicemen's
Corporation Limited (TEXCO)
(A Government of Tamil Nadu Undertaking)
Major Parameswara Memorial Building
No.2, West Mada Street
Srinagar Colony, Saidapet
Chennai-600 015
- 3.The Regional Deputy Director
Office of the Regional Deputy Director
Madurai-625 020

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents herein from in any manner preventing the petitioner herein from discharging his duty as Driver in the office of the first respondent and consequently direct the first respondent to pay regular monthly salary to the petitioner and other monetary benefit for the Over Time extracted from the petitioner.

For Petitioner : Mr.S.Ramakrishnan

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus to forbear the respondents from in any manner preventing the petitioner from discharging his duty as Driver in the office of the first respondent and consequently, to direct the first respondent to pay regular monthly salary to the petitioner and other monetary benefits for the Over Time extracted from him.

2. A counter affidavit has been filed by the respondents and as seen from the same, the petitioner is not entitled for the relief sought for in this writ petition for the following reasons:



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- (a) The petitioner was appointed only on contract basis by the first respondent, through the assistance of the second respondent, who is an Outsourcing Agency.
- (b) Only due to the unauthorized absence of the petitioner, he was relieved from service on 04.10.2018 by the first respondent.
- (c) In the place of the petitioner, another person was appointed as a Driver, pursuant to the petitioner being relieved from service.

3. Learned Special Government Pleader appearing for the respondents would submit that the present writ petition is not maintainable, since the petitioner has not challenged the relieving order issued to him by the first respondent and without challenging the same, the question of granting the relief sought for in this writ petition does not arise.

4. This writ petition is of the year 2018. As early as on 04.10.2018, the petitioner has been relieved from service by the first respondent due to his unauthorized absence. The petitioner was appointed only on contract basis and he was appointed by the first respondent through



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the second respondent, who is an Outsourcing Agency. The nature of appointment has also not been disputed by the petitioner as seen from the affidavit filed in support of this writ petition. In the place of the petitioner, another person has been appointed as a Driver in the year 2018 itself. The question of granting any relief, at this juncture, including the relief of considering the petitioner's representation seeking to forbear the respondents from in any manner preventing him from discharging his duty as Driver does not arise, after a lapse of more than six years from the date, when he was relieved from service by the first respondent. This Court does not find any merit in this writ petition.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.08.2024

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

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To:

1.The Assistant Director,
Office of the Assistant Director,
Land Survey & Record Department,
Office of the District Collector,
Madurai-625 020.



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ABDUL QUDDHOSE, J.

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