



W.P.(MD)No.12251 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.(MD)No.12251 of 2021

and

W.M.P.(MD)No.9637 of 2021

L.Muthukaruppan,
S/o.Lakshmanan,
South Street, Puthanatham,
Manapparai Taluk,
Trichy District.

Petitioner

Vs

1.The District Collector,
Trichy District,
Trichy.

2.The Commissioner,
Panchayat Union Office,
Manapparai,
Trichy District.

3.The Personal Assistant to Collector,
(Nutrition Meal),
Trichy District,
Trichy.

4.The Commissioner,
Social Welfare Department,
Commissionerate of Social Welfare,
Chennai - 600 015.

Respondents

(R-4 is impleaded vide order dated 06.03.2025 in W.P.(MD)No.12251 of 2021)



W.P.(MD)No.12251 of 2021

WEB COPY

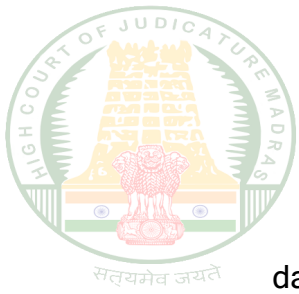
Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st Respondent's impugned proceedings in Na.Ka.No.L17/382/2017 dated 29.06.2021 and quash the same as devoid of merits, consequently direct the 1st Respondent to grant entire monetary benefits till date of retirement on 30.06.2021 and to grant all other service benefits.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

1. This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, challenging the impugned proceedings of the 1st Respondent dated 29.06.2021 and consequently direct the 1st Respondent to grant entire monetary benefits till date of retirement on 30.06.2021 and to grant all other service benefits.
2. Mr.A.Haja Mohideen, the learned counsel for the Petitioner, submits that the Petitioner, who was working as Noon Meal Organizer at Marunkapurai Panchayat Union Middle School, Paluvanji, and was due to retire on 30.06.2021, was terminated from service through an impugned order

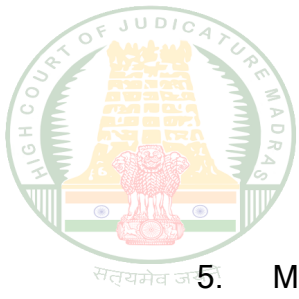


W.P.(MD)No.12251 of 2021

WEB COPY

dated 29.06.2021. Against the said order, the Petitioner filed an appeal before the Commissioner, Social Welfare Department, Commissionerate of Social Welfare, Chennai - 600 015, on 03.07.2021. The grounds of appeal are found at pages 129 to 133 of the paper book annexed to the Writ Petition, and a copy was also sent by Registered post, with the copy of acknowledgment receipt annexed to this Writ Petition.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner submits that since the Commissioner, Social Welfare Department, Commissionerate of Social Welfare, Chennai - 600 015, is not a party to this Writ Petition, he prays that this Court permit him to implead the Commissioner, Social Welfare Department, Commissionerate of Social Welfare, Chennai - 600 015, as the 4th respondent in this Writ Petition.
4. Accordingly, the prayer sought by the Petitioner is granted, and the Commissioner, Social Welfare Department, Commissionerate of Social Welfare, Chennai - 600 015, is impleaded as the 4th Respondent in this Writ Petition. Mr.T.Thambidurai, the learned Government Advocate, accepts notice on behalf of the newly impleaded 4th Respondent.

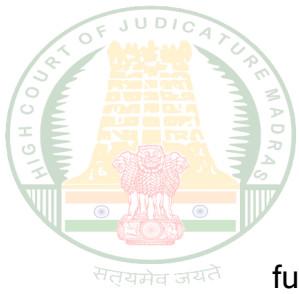


W.P.(MD)No.12251 of 2021

WEB COPY

5. Mr.A.Haja Mohideen, the learned counsel for the Petitioner, further submits that despite the pendency of the Writ Petition, the appeal filed by the Petitioner on 03.07.2021 remains undecided. He further submits that although a larger relief is sought in this Writ Petition, it would be sufficient if a direction is issued to the 4th Respondent/The Commissioner, Social Welfare Department, Commissionerate of Social Welfare, Chennai - 600 015, to dispose of the petitioner's appeal dated 03.07.2021 within a time frame fixed by this Court. He also submits that a typing error occurred in the appeal filed by the Petitioner before the 4th Respondent/The Commissioner, Social Welfare Department, Commissionerate of Social Welfare, Chennai - 600 015. In view of the same, he prays that some time be granted to file a fresh appeal before the 4th Respondent/The Commissioner, Social Welfare Department, Commissionerate of Social Welfare, Chennai - 600 015, and that the 4th Respondent be directed to pass appropriate orders in accordance with law, after affording the Petitioner an opportunity of hearing, within a time frame fixed by this Court.

6. Mr.P.Thambidurai, the learned Government Advocate appearing for the Respondents, submits that he has no objection to the prayer now sought by the counsel for the petitioner and that it would be considered. He

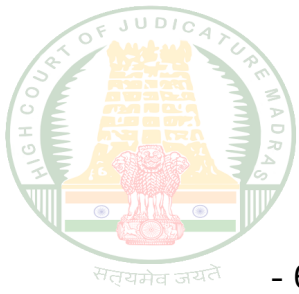


W.P.(MD)No.12251 of 2021

WEB COPY

further submits that despite being aware of the impugned order dated 29.06.2021, the Petitioner should file a fresh appeal without errors. He also submits that the Petitioner may file a fresh appeal before the 4th Respondent/The Commissioner, Social Welfare Department, Commissionerate of Social Welfare, Chennai - 600 015, who shall pass appropriate orders in accordance with law within the time frame stipulated by this Court.

7. In view of the limited scope of the prayer sought for by the learned counsel appearing for the petitioner and considering the submissions made on either side as well as after perusing the record, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court. Accordingly, this Court directs the 4th Respondent/The Commissioner, Social Welfare Department, Commissionerate of Social Welfare, Chennai - 600 015, to decide the fresh appeal to be filed by the Petitioner in accordance with law.
8. Accordingly, this Court, without expressing any opinion on the merits of the petitioner's case, directs the Petitioner to file a fresh appeal detailing his claim and grievances, before the 4th Respondent / the Commissioner, Social Welfare Department, Commissionerate of Social Welfare, Chennai



W.P.(MD)No.12251 of 2021

WEB COPY

- 600 015, within a period of 4 weeks from today. If any such appeal is filed by the Petitioner against the impugned termination order dated 29.06.2021 before the 4th Respondent as per the time stipulated by this Court, the 4th Respondent is directed to take appropriate decision on the appeal filed by the Petitioner and pass a reasoned and speaking order on merits and in accordance with law, after giving sufficient opportunity to the Petitioner, within a period of two months from the date of receipt of such appeal. The 4th Respondent shall communicate the decision to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order.

9. With the above directions, this Writ Petition is finally disposed of at this stage. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

06.03.2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Nsr



W.P.(MD)No.12251 of 2021

WEB COPY

To:

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Commissioner,
Panchayat Union Office,
Manapparai,
Trichy District.
- 3.The Personal Assistant to Collector,
(Nutrition Meal),
Trichy District,
Trichy.
- 4.The Commissioner,
Social Welfare Department,
Commissionerate of Social Welfare,
Chennai - 600 015.



WEB COPY



W.P.(MD)No.12251 of 2021

SHAMIM AHMED, J.

Nsr

W.P.(MD)No.12251 of 2021

06.03.2025