



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18524 of 2018

1.J.Panimayam
2.S.Amutha
3.K.Kalai Selvi
4.C.Anudheepa
5.V.Muthu Lexmi
6.A.Baskar

.. Petitioners

Vs.

1. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai-5.

2. The District Collector
Kanniyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of mandamus directing the 1st respondent to dispose of the petitioner's representation dated 25.05.2018.

For Petitioner : Mr.S.Vijaya Kumar
For Respondent : Mr.K.Mu.Muthu
Additional Govt. Pleader

ORDER

The petitioner has come forward with this writ petition, for issuance of a Writ of mandamus directing the 1st respondent to dispose of the petitioner's representation dated 25.05.2018.

2.According to the petitioners, the petitioners were respondents in W.P.Nos.8245 to 8248 of 2018 and those writ petitions were disposed of on 11.04.2018 and that the High Court has set aside the order passed by the first respondent and permitted the first respondent with regard to considering the promotion. The relevant portion of the said order is extracted hereunder:

"5.Contrarily, the decision was taken unilaterally by the respondents without even adhering the principles of natural justice. This being the



factum of the case, this Court is of an opinion that the present writ petitions are fit cases for remittance. The reasons stated in the impugned order is that the writ petitioner was promoted based on the Government Order, which was cancelled. Whatever may be the reason, the petitioner must be heard before passing any order affecting the service rights. Under these circumstances, the order impugned passed by the first respondent in proceedings R.C.No.SerIV (3)/34746/2017, dated 17.03.2018 is quashed and the matter is remitted back to the first respondent for issuing show cause notice to all concerned, within a period of three weeks from the date of receipt of a copy of this order and on receipt of explanation/objections from the employees concerned, a decision shall be taken and final order is to be passed on merits and in accordance with law thereafter, without causing any undue delay."

3. Admittedly those persons have filed these writ petitions by intentionally omitting necessary parties as respondents in those writ petitions. The conduct of the petitioners in not including the names of the contesting respondents is deprecated.

4. Even though it is a fit case for dismissal on the sole ground, taking note of the fact that my Brother Judge has already taken a view to consider the matter afresh, the authorities have to consider the representation of the petitioner with regard to passing of final order, after the withdrawal of promotion orders, issued to the petitioners in W.P.Nos.8245 to 8248 of 2018. Further, this Court is of the view that the petitioners in this case as well as the petitioners in that case have to be heard, as observed by this Court. Even though the respondents sought 12 weeks time, for such consideration, if such an order is granted, that would amount to reviewing the earlier order passed by my Learned Brother Judge. Hence, this Court directs the authorities to consider the representation of the petitioner and pass orders within a time stipulated by this Court earlier.

4. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

<https://hcservices.hcma.in/hcservices>
The Hon'ble Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai-5.



2. The District Collector
Kanniyakumari District.

+1cc to Mr.S.Vijaya Kumar, Advocate Sr.No.80376

+1cc to Spl.Government Pleader Sr.No.80634

VS

VB/SKN/SAR4/25.09.2018/3P/5C

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