

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.04.2019

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10311 of 2019

S.Sivaraman ... Petitioner

Vs.

1. The Registrar General,
High Court of Madras,
High Court Building,
Chennai - 600 104

2. The Principal District Judge,
Villupuram District Court,
Villupuram

..Respondents

Prayer: Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the 1st Respondent to dispose the Petitioner's Appeal dated 22.02.2017 within a time that may be fixed by this Court.

For Petitioner : Mr.G.Balamanikandan

For Respondents : Mr.M.Kempuraj

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner as well as the Learned Counsel for the Respondents 1 and 2.

2. No counter is filed on behalf of the Respondents 1 and 2.

3. According to the Petitioner, the 2nd Respondent appointed him as an Office Assistant in the office of Subordinate Court of Tindivanam on 01.04.1999. On 14.06.2000, he was transferred to District Court, Villupuram. He was discharging his duties without any remarks and utmost satisfaction of the Hon'ble Judges. His service was regularised

on 22.01.2002 and because of high fever, during April, 2002, he proceeded on medical leave for a period of ten days from 29.04.2002 to 08.05.2002. Due to his continuous fever, loss of energy and drowsiness, he slipped in the staircase of his house and his left leg bone was fractured on 31.04.2002. He was admitted in the Hospital of Dr.Mutthaiyan at Villupuram and steel plate was fixed in the left leg after a major surgery.

4. The Petitioner obtained medical leave for a further period from 09.05.2002 to 04.09.2002 by mentioning the reasons of the aforesaid bone fracture. His Doctor advised him to take bed rest after major surgery till he recovers. Since he is only a person knowing about obtaining / applying medical leave and other issues relating to his official duty, he was not in a position to submit a leave letter. Though he was sent with numerous letters from the 2nd Respondent / Principal District Judge, Villupuram, District Court, he could not submit a suitable reply, since he was taking treatment at Kerala. He is the sole bread winner to his family comprising of his uneducated wife and two school going minor female children.

5. Subsequent to the improvement in his health condition during the end of 2005, the Petitioner approached his higher official in regard to rejoining his service and he was informed that he was removed from service on 12.01.2005. Later, on several occasions, he had approached 2nd Respondent / Principal District Judge, Villupuram and requested for reinstatement into service. His claim was rejected, since the order of removal was passed by the 2nd Respondent. Only in the year 2009, the plate which was fixed on his left leg was removed by the Doctors. Due to the removal from service, he was forced to do some seasonal work. He and his family and children are struggling even for day today bread. Hence he preferred an Appeal dated 22.02.2017 to the 1st and 2nd Respondents and requested to set aside the removal of service passed against him. He also prayed for his reinstatement into service as an Office Assistant by considering his family circumstances. Unless he is reinstated into service, the education career of his two children would be affected.

6. The Petitioner, on an earlier occasion filed W.P.No.19251 of 2017 and sought for an issuance of a direction against the 2nd Respondent / Principal District Judge, Villupuram to forward his appeal dated 22.02.2017 and consequently direct the 1st Respondent to dispose of his appeal and pass an order.

7. This Court on 27.07.2017 had directed the 2nd Respondent to forward the Petitioner's appeal dated 22.02.2017 to the 1st Respondent. The Petitioner made a representation on 31.08.2017 and requested 2nd Respondent to forward his appeal dated 22.02.2017 to the 1st Respondent / High Court, Madras represented by Registrar General. The Petitioner sought an information under Right to Information Act through an application dated 29.12.2018 and he was given a reply by stating that his appeal was forwarded on 06.09.2017.

8. The prime grievance of the Petitioner is that being an Appellate Authority, the 1st Respondent / High Court, represented by the Registrar General should have disposed of the appeal within a reasonable period. He also made a representation on 09.02.2019 and requested to dispose of his appeal which was forwarded by the 2nd Respondent. As on date, his appeal dated 22.02.2017 is now pending on the file of the 1st Respondent and the same is not yet disposed of, hence the Petitioner is performed to file the instant Writ Petition praying for passing of an order by this Court directing the 1st Respondent to dispose of his Appeal dated 22.02.2017 within the time that may be determined by this Court.

9. It is not in dispute that the Petitioner's Appeal dated 22.02.2017 is pending on the file of the 1st Respondent, viz., High Court, Madras represented by Registrar General from the year 2017. At this stage, the Learned Counsel for the Respondents 1 and 2 submits that the 1st Respondent will dispose of the Appeal of the Petitioner dated 22.02.2017 within a period of eight weeks from today.

10. Considering the fact that the Petitioner's Appeal dated 22.02.2017 is pending as on date without any progression in the subject matter in issue, at this stage, this Court, simpliciter, without delving deep into the merits of the matter, directs the 1st Respondent to take up the Appeal of the Petitioner dated 22.02.2017 and to dispose of the same within a period of six weeks from the date of receipt of a copy of this order. It is open to the Petitioner to raise all factual and legal pleas before the 1st Respondent and it cannot be gainsaid that the 1st Respondent shall pass a reasoned speaking order advertng to all the points [both factual and legal] in a detailed qualitative, quantitative and threadbare fashion, of course, after providing an adequate opportunity of hearing by adhering to the 'Principles of Natural Justice'. Before parting with the case, this Court directs the Petitioner to extend his unstinted co-

operation and assistance to the 1st Respondent in disposing of his Appeal dated 22.02.2017 within the time determined by this Court.

With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssd
To

1. The Registrar General,
High Court of Madras,
High Court Building,
Chennai - 600 104

2. The Principal District Judge,
Villupuram District Court,
Villupuram.

+1cc to Mr.G.Balamanikandan, Advocate Sr.34863
+1cc to Mr.M.Kempuraj, Advocate Sr.34546

W.P.No.10311 of 2019

srg 11/04/2019

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