

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.946 of 2021

Malliga

... Petitioner

-vs-

1.The District Collector,
Salem.

2.The Commissioner,
Attur Panchayat Union,
Salem district.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider application of the petitioner, submitted on 10.06.2019 to the 2nd respondent and pass such other relief.

For Petitioner : Mr.S.Muthukrishnan
For Respondents : Mr.R.A.S.Senthilvel,
Additional Government Pleader.

O R D E R

This petition has been filed, to direct the respondents to consider the representation dated 10.06.2019 and pass orders within a time to be stipulated by this Court.

2. When the matter is came up for hearing, it is represented by the petitioner that she was unwell and she has made several representations and also produced the medical certificate. Learned counsel for the petitioner submitted that it is suffice, if the petitioner is given employment by considering representation dated 10.06.2019 and that she is willing to join without any backwages.

3. On the above contention, this Court heard the learned Additional Government Pleader appearing for the respondents, and the learned Additional Government Pleader stated that the petitioner's representation will be considered and suitable orders be passed thereon in accordance with law, if not already disposed of.

4. In view of the limited scope of the prayer sought for by the petitioner and taking into account the fact that the petitioner's representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 2nd respondent to consider the representation of the petitioner dated 10.06.2019, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing either physically or virtually, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 2nd respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 10.06.2019 and this order, to the 2nd respondent forthwith;

v) The 2nd respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs

To:

1.The District Collector,
Salem.

2.The Commissioner,
Attur Panchayat Union,
Salem District.

+cc to the Government Pleader, SR.NO.7516/21

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A.SK(18.05.2021)



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