

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2017 of 2021
and
WMP No.2288 of 2021

P.Sathyaraj

... Petitioner

-vs-

1. The Additional Chief Secretary /
The Principal Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 600 009.
2. The Additional Chief Secretary /
Commissioner for Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.
3. The Joint Commissioner for Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to consider the representation of the petitioner for the appointment of Driver in the said department in the time scale of pay of Rs.19,500/ Rs.62,000/- (Grade 8) as per the notification of the 3rd respondent vide m.e.1 (1)/50740/2019, ehs; dated 26.12.2020.

For Petitioner : Mr.P.Chandrasekar

For Respondents: Mrs.P.Rajalakshmi
Additional Government Pleader

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O R D E R

This Writ petition is filed, seeking a direction to the 3rd respondent to consider the representation of the petitioner for the appointment of Driver in the time scale of pay of Rs.19,500/ Rs.62,000/- (Grade 8) as per the notification of the 3rd respondent vide m.e.1 (1)/50740/2019, ehs; dated 26.12.2020.

2. Mrs.P.Rajalakshmi, Additional Government Pleader takes notice for respondents. By consent, final orders are passed in the Writ Petition at the admissions stage.

3. It is the case of the petitioner, who initially appointed as a Driver under consolidated pay in the Revenue Administration, Disaster Management Department that as he possess necessary qualification, experience etc, he applied for the post of Driver under regular time scale of pay of Rs.19,500/- - 62,000 (Grade 8), reserved for MBC quota. It is the grievance of the petitioner that the Revenue Administration, Disaster Management Department by a proceedings e/f/m/e.1(1)/1620/2015, dated 08.12.2016, rejected the application stating the a consolidated pay driver cannot be appointed in the time scale of pay for the post of driver without any authority. Hence, the petitioner approached this Court seeking a direction to the 3rd respondent to consider the application for appointment of Driver in the time scale of pay of Rs.19,500/ Rs.62,000/- (Grade 8), dated 07.01.2021 as per the notification of the 3rd respondent vide m.e.1 (1)/50740/2019, ehs; dated 26.12.2020.

4. Considering the facts and circumstances of this case, if the Petitioner's application is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondent concerned to consider the application of the petitioner dated 07.01.2021, if he is otherwise eligible and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the 1st respondent either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the respondent to pass orders on the mercy petition based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

5. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the application dated 01.01.2021 and this order, to the respondent concerned forthwith. The respondent concerned is directed to communicate the decision taken on the application, 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 parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, 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 attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

1. The Additional Chief Secretary /
The Principal Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 600 009.
2. The Additional Chief Secretary /
Commissioner for Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.
3. The Joint Commissioner for Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

+1cc to Mr.P.Chandrasekar, Advocate, S.R.No.13073
+1cc to the Government Pleader, S.R.No. 14702

W.P.No.2017 of 2021 and
WMP No.2288 of 2021

SMI (CO)
GN(23/03/2021)

सत्यमेव जयते

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