



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 18203 of 2011

T.Thiyagarajan

... Petitioner

-vs-

The Tahsildar,  
Kallakuruchi Taluk,  
Villupuram District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent to pass orders on the representation of the petitioner dated 8.10.2009 and 06.06.2011 within the time frame as fixed by this Court.

For Petitioner: Mr.R.Bharanidharan.  
For Respondent: Mr.K.Magesh  
Special Government Pleader.

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondent to pass orders on the representation of the petitioner dated 08.10.2009 and 06.06.2011 within the time frame as fixed by this Court.

2. The petitioner was appointed as Village Menial in Kaniyamoor Village, Kallakurchi Taluk in the year 1988. He was working in that capacity, while so, in the year 1998, his wife expired suddenly leaving the children. Therefore, the petitioner, in order to take care of the children, despite his sufferings due to Tuberculosis, for which, he had taken treatment in the Government Hospital of Thoracic Medicine, Tambaram Sanatorium, Chennai had lead a troublesome life. Therefore, in this regard, he could not concentrate on his official work. Therefore, during the year 2004, he was unauthorizedly absent for sometime. Hence, the respondent on 09.10.2009, had issued a show cause notice to the petitioner seeking show cause, as to why, disciplinary proceedings under rule 17(b) of the Tamil Nadu Civil Service (D&A) Rules shall not



be taken against him.

3. In response to the said show cause notice, the petitioner had given his reply on 13.10.2009, explaining the aforesaid position of the family circumstances. However, despite the said reply having been given, for long years, there was no response from the respondent. Therefore, the petitioner on 19.02.2011 and 06.06.2011 had given two representations with the aforesaid reasons of his family situations and had requested for considering his request to take him back for the job.

4. Since those representations have not yielded any result and after show cause notice, no final order was passed by the respondent, despite the reply given by the petitioner as stated supra, he filed the present Writ Petition with the aforesaid prayer.

5. Heard Mr.R.Bharanidharan, learned counsel appearing for the petitioner who has reiterated the aforesaid facts and seeks indulgence of this Court to give a direction by way of mandamus to pass final order.

6. Heard Mr.K.Magesh, learned Special Government Pleader appearing for the respondent who would submit that, if no final order is passed on the show cause notice issued against the petitioner, for which, the petitioner claimed to have given reply on 13.10.2009 subsequently, the said show cause notice would be concluded by giving a final order and the same would be undertaken within a time frame that may be stipulated by this Court.

7. In that view of the said submission made by both sides and taking into account of the factual matrix, this Court is inclined to dispose of this Writ Petition with the following directions:

"(i) That the respondent is hereby directed to pass final order pursuant to the show cause notice issued against the petitioner dated 09.10.2009, by taking into account, the reply given on 13.10.2009 as well as the representations given by him on 19.02.2011 and 06.06.2011. In this regard, if any further input is required from the petitioner, separate intimation in this regard is directed to be given to the petitioner within a time frame and once such intimation is received from the respondent, the petitioner is directed to send reply to the respondent within a time frame stipulated in this regard.

(ii) After having completed the aforesaid



exercises, final order shall be passed by the respondent within a period of twelve weeks from the date of receipt of a copy of this order.

8. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

vji  
To

1. The Tahsildar,  
Kallakuruchi Taluk,  
Villupuram District.

+1 CC to The Government Pleader, Sr 8793.

W.P. No. 18203 of 2011

LN(CO)  
SP(14/07/2021)