

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4368 of 2021

C.Palanisamy

... Petitioner

Vs.

1. The Principal Secretary to Government,
Public Works Department,
Fort St. George,
Chennai 600 009.
2. The Engineer-in-Chief
(Water Resources Department),
& Chief Engineer (General),
Public Works Department,
Chepauk, Chennai 600 005.
3. The Chief Engineer,
Water Resources Department,
Public Works Department,
Coimbatore Region,
Town Hall, Coimbatore - 641 001.
4. The Executive Engineer,
Water Resources Department,
Public Works Department,
Lower Bhavani Basin Division,
Erode.
5. The Assistant Executive Engineer,
Water Resources Department,
Public Works Department,
Canal Sub Division,
Gobichettipalayam 638 476,
Erode District.
6. The Assistant Engineer,
Irrigation Division - II,
Water Resources Department,
Public Works Department,
Gobichettipalayam 638 476,
Erode District.

7. The Accountant General of Tamil Nadu (A & E),
No.361, Anna Salai,
Teynampet,
Chennai 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, seeking to direct the 1st Respondent to consider and pass orders on the Petitioner's representation dated 06.12.2020 for regularization of service of the Petitioner in the post of Watchman and for sanction of his annual increments and settlement of all his retirement benefits.

For Petitioners : Ms.Swadhi Subramaniam
For Respondents 1 to 6 : Mr.M.Loganathan
For 7th Respondent : Mr.V.Vijayshankar

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O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the 1st Respondent to consider and pass orders on his representation dated 06.12.2020 for regularization of his service in the post of Watchman and for sanction of his annual increments and settlement of all his retirement benefits.

2. According to the Petitioner, he was appointed in the sanctioned post of Watchman in the Respondent/Department and retired on 30.09.2018. He submitted a representation to the 1st Respondent on 06.12.2020 seeking regularization of his service in the post of Watchman with effect from 01.03.1989. It is his grievance that, he was neither paid annual increments nor any other retirement benefits, however, he was sanctioned only with provisional pension. Aggrieved by the inaction of the Respondents and having no other alternative remedy, Petitioner has come up with this Writ Petition.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case, this Court directs the 1st Respondent herein to consider the Petitioner's representation dated 06.12.2020, after affording an opportunity of personal hearing to the Petitioner, and pass appropriate orders on merits and in accordance with law, within a period of sixty days from the date of receipt of a copy of this order.

5. Petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 06.12.2020 and a copy of this order, to the 1st Respondent forthwith. The 1st Respondent is directed to communicate the decision taken on the said representation to the Petitioner herein 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 civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that he/she is not aware of the order of this Court.

With the above direction and observation, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Principal Secretary to Government,
Public Works Department, Fort St. George, Chennai 600 009.
2. The Engineer-in-Chief (Water Resources Department) &
Chief Engineer (General), Public Works Department,
Chepauk, Chennai 600 005.
3. The Chief Engineer,
Water Resources Department, Public Works Department,
Coimbatore Region, Town Hall, Coimbatore - 641 001.
4. The Executive Engineer, Water Resources Department,
Public Works Department, Lower Bhavani Basin Division,
Erode.
5. The Assistant Executive Engineer,
Water Resources Department, Public Works Department,
Canal Sub Division, Gobichettipalayam 638 476,
Erode District.

6. The Assistant Engineer, Irrigation Division - II,
Water Resources Department, Public Works Department,
Gobichettipalayam 638 476, Erode District.
7. The Accountant General of Tamil Nadu (A & E),
No.361, Anna Salai,
Teynampet, Chennai 600 018.

+lcc to Mr.R.Prem Narayan, Advocate, S.R.No.12605.
+lcc to the Government Pleader, S.R.No.12499.

W.P.No.4368 of 2021

PMK(CO)
CSR 25.03.2021



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