



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.3841 of 2021
and
W.M.P.No.4398 of 2021

D.Sivakumar

... Petitioner

Vs

The Commissioner,
Oulgaret Municipality,
Jawahar Nagar,
Pondicherry - 605 005.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the records of the respondent relating to the Suspension order bearing F.No.47-108/Health/OM/2018-19/Estt(1) dated 29.12.2020 and quash the same as illegal, arbitrary and ultra vires and consequently direct the respondent to consider my grievances in the representation dated 07.01.2021 and pass appropriate orders within a time to be stipulated by this Court.

For Petitioner : Mr.D.Sreenivasan

For Respondents : Mr.Stalin Abimaniyu
Government Advocate

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal, at the time of admission itself.

2.This writ petition has been filed to call for the records pertaining to F.No.47-108/Health/OM/2018-19/Estt(1) dated 29.12.2020 from the file of the respondent and quash the same and consequently direct the respondent to consider the representation of the petitioner dated 07.01.2021 and pass appropriate orders within a time frame to be stipulated by this Court.



3.The case of the petitioner is that he joined the services of the respondent Municipality as a Sanitary Worker during 1991 and his services were regularized on 14.02.2002. Thereafter, based on the call for the post of Driver-Grade III from the existing staff of the respondent and on his option, the petitioner was appointed as Driver -Grade III. While so, by the order impugned herein, he was placed under suspension, pursuant to the charge memo dated 02.11.2020, for the alleged disobedience of the instructions given to him, on 21.10.2020 and 23.10.2020. Hence, he submitted a representation to the respondent giving explanation to the same and requesting to reinstate him in service and also pay subsistence allowance during the suspension period. Finding no response on the said representation, the petitioner has come up with this writ petition for the aforesaid relief.

4.Though the petitioner prayed for a larger relief, the learned counsel for the petitioner during the course of argument, restricted the same to the extent of seeking a direction to the respondent to dispose of the petitioner's representation dated 07.01.2021, on merits, within a time frame to be stipulated by this Court.

5.Mr.Stalin Abimanyu, learned Government Advocate (Puducherry) taking notice for the respondent, has no serious objection for granting such relief to the petitioner.

6.Considering the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 07.01.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



vum/kmm
To

The Commissioner,
Oulgaret Municipality,
Jawahar Nagar,
Pondicherry - 605 005.

+1cc to Mr.S.Giritharan, Advocate Sr.10989
+1cc to the Government Pleader Sr.11368

W.P.No.3841 of 2021

gpl[co]
srg 14/12/2021