

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4840 of 2021

K.Arusamy

... Petitioner

-vs-

1. The Secretary to Government,
Municipal and Water Supply Management Department,
Fort St. George, Chennai-9.
2. The Commissioner of Town Panchayat,
Kuralagam, Chennai-112.
3. The Assistant Director of Town Panchayat,
Coimbatore Region, Coimbatore.
4. The Executive Officer,
Idikkarai Town Panchayat,
Coimbatore-22.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to dispose of the representation dated 22.02.2020 submitted by the petitioner for implementing the recommendation forwarded by the third respondent in Na.Ka.14265/2006/A3 dated 14.06.2013.

For Petitioner : Mr.S.Mohan

For Respondents : Mr.P.Karthikeyan,

Additional Government Pleader
for R1 to R3

Ms.A.Srijayanthi,
Special Government Pleader for R4

O R D E R

This Writ petition is filed, seeking a direction to the respondents to dispose of the representation dated 22.02.2020 submitted by the petitioner for implementing the recommendation forwarded by the third respondent in Na.Ka.14265/2006/A3 dated 14.06.2013.

2.Mr.P.Karthikeyan, learned Additional Government Pleader takes notice for respondents 1 to 3 and Ms.A.Srijayanthi, learned Special Government Pleader takes notice for R4. By consent, final orders are passed in the Writ Petition at the admission stage.

3. It is the case of the petitioner that he was appointed as Water Distributor in the fourth respondent Municipality and his service was confirmed by an order dated 28.07.2007 passed by the fourth respondent based on the Government Order dated 26.10.1998. Thereafter, the petitioner has been continuously representing before the respondents to regularise his service from the date of his original appointment. While so, similarly placed employees filed a Writ Petition in W.P. No.29951 of 2011 for regularisation of their services and this Court by an order dated 21.04.2011 directed the respondents to consider their representations and pass orders for regularising the persons who have completed three years of service on consolidated pay. Though the second respondent on receipt of recommendations from the third respondent, has recommended the regularisation of the employees, a representation dated 22.02.2020 submitted by the petitioner for implementing the recommendation forwarded by the third respondent, has not been considered, yet. Therefore, the petitioner is before this Court.

4. Considering the facts and circumstances of the case 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 respondents herein to consider the representation preferred by the petitioner dated 22.02.2020, 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 120 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, 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 respondents 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 22.02.2020 and this order, to the respondent forthwith;

v) The respondents are 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

vum

To

1. The Secretary to Government,
Municipal and Water Supply Management Department,
Fort St. George,
Chennai-9.
2. The Commissioner of Town Panchayat,
Kuralagam, Chennai-112.
3. The Assistant Director of Town Panchayat,
Coimbatore Region, Coimbatore.
4. The Executive Officer,
Idikkarai Town Panchayat,
Coimbatore-22.

+1cc to Mr.S.Mohan, Advocate, S.R.No.12874.
+1CC to the GP SR.No.13186.

W.P.No.4840 of 2021

PMK (CO)
CSR 31.03.2021