

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.03.2021
CORAM:
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.5303 of 2021

Y.Selwyn Gnanasekaran

... Petitioner

-vs-

- 1.State of Tamil Nadu,
rep. by the Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.
 - 2.The Director of Medical and Rural Health Services,
Chennai 600 006.
 - 3.The Director of Medical and Rural Health Services (ESI),
Chennai 600 006.
 - 4.The Superintendent,
ESI Hospital,
Ayanpuram,
Chennai 600 023.
- ... 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 decide the representations of the petitioner dated 02.11.2020 and pay the petitioner all his retirement dues including fixation of pension, DCRG etc. with effect from 01.07.2016 in accordance with law within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.M.Radhakrishnan
For Respondents: Mrs.P.Rajalakshmi,
Additional Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the respondents to decide the representation of the petitioner dated 02.11.2020 and to pay him all his retirement dues including fixation of pension, DCRG etc. with effect from 01.07.2016 in accordance with law within a reasonable time as may be fixed by this Court.

2.Mrs.P.Rajalakshmi, learned Additional Government Pleader takes notice for the respondents. By consent, final orders are

passed in the Writ Petition at the admission stage.

3. It is the case of the petitioner that he joined Service in Medical and Rural Health Services Department as Junior Assistant on 26.07.1986 and retired from service on 30.06.2016 as Assistant on attaining the age of superannuation. After his retirement, he was issued with a memorandum dated 27.02.2019 by the fourth respondent calling for the explanation with regard to performance of his duties as in-charge of a godown of wooden articles (FSK). Though there was no disciplinary action pending against the petitioner, retirement dues have not been fully settled by the respondent department. Therefore, the petitioner submitted a representation dated 02.11.2020 to the respondents. As there was no response from them, 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 respondent, 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 02.11.2020, 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 60 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 02.11.2020 and this order, to the respondents 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/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

vum

To

- 1.State of Tamil Nadu,
rep. by the Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.
- 2.The Director of Medical and Rural Health Services,
Chennai 600 006.
- 3.The Director of Medical and Rural Health Services (ESI),
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- 4.The Superintendent,
ESI Hospital,
Ayanpuram,
Chennai 600 023.

+1 cc to the Government pleader sr14861

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