

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5116 of 2021

Palaniappan

... Petitioner

-vs-

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Commissionerate of Revenue Administration
and Disaster Management Department,
Chepauk, Chennai.

2. The Joint Commissioner (RA)
Commissionerate of Revenue Administration
and Disaster Management Department,
Chepauk, Chennai.

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents to add the petitioner's name in the panel of the city List of Deputy Tahsildar under the Tamil Nadu Revenue Subordinate Service Rules as per the seniority by considering the petitioner's representation dated 03.02.2021.

For Petitioner : Mr.D.R.Arun Kumar

For Respondents: Mr.P.Karthikeyan
Addl. Govt. Pleader

ORDER

The petitioner has filed this writ petition seeking a direction to the respondents to add the petitioner's name in the panel of the city List of Deputy Tahsildar under the Tamil Nadu Revenue Subordinate Service Rules as per the seniority by considering the petitioner's representation dated 03.02.2021.

2. Mr.P.Karthikeyan, learned Additional Government Pleader takes notice for the Respondents. By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he is working as Assistant and he was awarded a punishment of Censure on 22.12.2020 for the mistake committed by his predecessors. It is the case of the petitioner that against the order of Censure, he preferred an appeal before the 1st respondent, which is pending for consideration. In the meanwhile, his name was not added in the panel for promotion, thereby he was deprived promotion, on the ground that he was awarded the punishment of Censure and the preparation of the said panel list is against the principles of natural justice. Therefore, he made a representation dated 03.02.2021 to the 1st respondent for inclusion of his name in the panel according to his seniority. Since the said representation did not evoke any response, he 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 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representation of the petitioner dated 03.02.2021, 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 three months 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 1st respondent 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 03.02.2021 and this order, to the 1st respondent forthwith;

v) The 1st respondent is 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

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Commissionerate of Revenue Administration
and Disaster Management Department,
Chepauk, Chennai.
2. The Joint Commissioner (RA)
Commissionerate of Revenue Administration
and Disaster Management Department,
Chepauk, Chennai.

+1 cc to M/s.D.R.Arunkumar, Advocate Sr No.13843

PL(CO)
RG.28.04.2021 (3p/4c)

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