

IN The HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5232 of 2021

V.Pandian

... Petitioner

-vs-

1. Government of Tamil Nadu,
rep. by its Secretary to Government,
Education Department,
Fort St. George,
Chennai-600 009.
2. The Director of Collegiate Education,
College Road,
Chennai-600 006.
3. The Principal,
Alagappa Government Arts College,
Karaikudi-630 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to dispose of the representation made by the petitioner dated 13.06.2018 to regularise the service of the petitioner from the initial date of appointment dated 22.03.1995 with all consequential service and monetary benefits within a stipulated time fixed by this Court.

For Petitioner : Ms.A.Anusuya

For Respondents : Mr.S.Karthikeibalan,
Government Advocate for R1 and R2

WEB COPY
O R D E R

This Writ petition is filed, seeking a direction to the second respondent to dispose of the representation made by the petitioner dated 13.06.2018 to regularise his service from the initial date of appointment dated 22.03.1995 with all consequential service and monetary benefits within a stipulated time fixed by this Court.

2.Mr.S.Karthikeibalan, learned Government Advocate takes notice for respondents 1 and 2. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that he was appointed as Sweeper on daily wages in the office of Pulankuruchi Va.Sa.Siva Government, Arts College by proceedings dated 22.03.1995,. Thereafter, since there was no vacancy in the said college, he was transferred to the third respondent college, but his service was regularised only from 05.11.2007 pursuant to the G.O.Ms.No.365, dated 05.11.2007 and not from his initial date of appointment i.e. on 22.03.1995. But his juniors got the benefit of regularization from the date of appointment pursuant to the Judgments of this Court made in W.P.No.7884 of 2013 dated 19.09.2014 and W.P.No.22587 of 2015, dated 02.09.2016. In this regard, the petitioner made a representation dated 13.06.2018 to the second respondent. As there was no response from him, the petitioner is before this Court by filing the present Writ Petition, seeking the aforesaid relief.

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 second respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the second respondent herein to consider the representation preferred by the petitioner dated 13.06.2018, 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 second 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 13.06.2018 and this order, to the second respondent forthwith;

v) The second 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(CS III)

//True Copy//

Sub Assistant Registrar

vum

To

1. Government of Tamil Nadu,
rep. By its Secretary to Government,
Education Department,
Fort St. George,
Chennai-600 009.
2. The Director of Collegiate Education,
College Road,
Chennai-600 006.
3. The Principal,
Alagappa Government Arts College,
Karaikudi-630 003.

+1cc to M/s.A.Anusuya, Advocate, S.R.No.14532.

+1cc to the Government Pleader, S.R.No.14419.

PMK(CO)
CSR 09.04.2021

W.P.No.5232 of 2021