

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.03.2021
CORAM:
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.5613 of 2021

F.Michael Raj

... Petitioner

-vs-

The Joint Director,
Employment and Training Department
Guindy, Chennai.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to approve the appointment of the petitioner as Instructor in Fitter course in St.Lawrence Technical Institute, Nagercoil, Kanyakumari District with retrospective effect from 01.07.1994 onwards, based on the representation on the petitioner, dated 28.08.2020 within the time stipulated by this Court.

For Petitioner : Mr.Y.Deva Arul Prakash

For Respondents: Mr.R.A.S.Senthilvel

Additional Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to direct the respondent to approve the appointment of the petitioner as Instructor in Fitter course in St.Lawrence Technical Institute, Nagercoil, Kanyakumari District with retrospective effect from 01.07.1994 onwards, based on the representation on the petitioner, dated 28.08.2020 within the time stipulated by this Court.

2. Mr.R.A.S.Senthilvel, learned Additional Government Pleader, takes notice for the respondent. By consent, final orders are passed in the Writ Petition at the admission stage.

3. It is the case of the petitioner that the petitioner having possessed requisite qualification, joined as pastor in St. Lawrence Technical Training Centre, Nagercoil, which is a recognised Minority Institution and had been working there since 13.11.1989. Thereafter, from 01.07.1994 onwards, the petitioner started working as Instructor for the Fitter Course. The petitioner gave representation dated 28.08.2020 to the respondent by setting out all the facts and also pleaded to recognise his employment, so that he could lead a decent life. However, the said representation is still pending on the table

of the respondent without any action. Hence, the present Writ Petition has been filed for appropriate direction.

4. Considering the facts and circumstances of this case, if the Petitioner's application is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondent concerned to consider the representation of the petitioner dated 28.08.2020, if he is otherwise eligible and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the respondent either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the respondent to pass orders on the petition based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

5. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 28.08.2020 and this order, to the respondent concerned forthwith. The respondent concerned is directed to communicate the decision taken on the application 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 parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, 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 attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmm

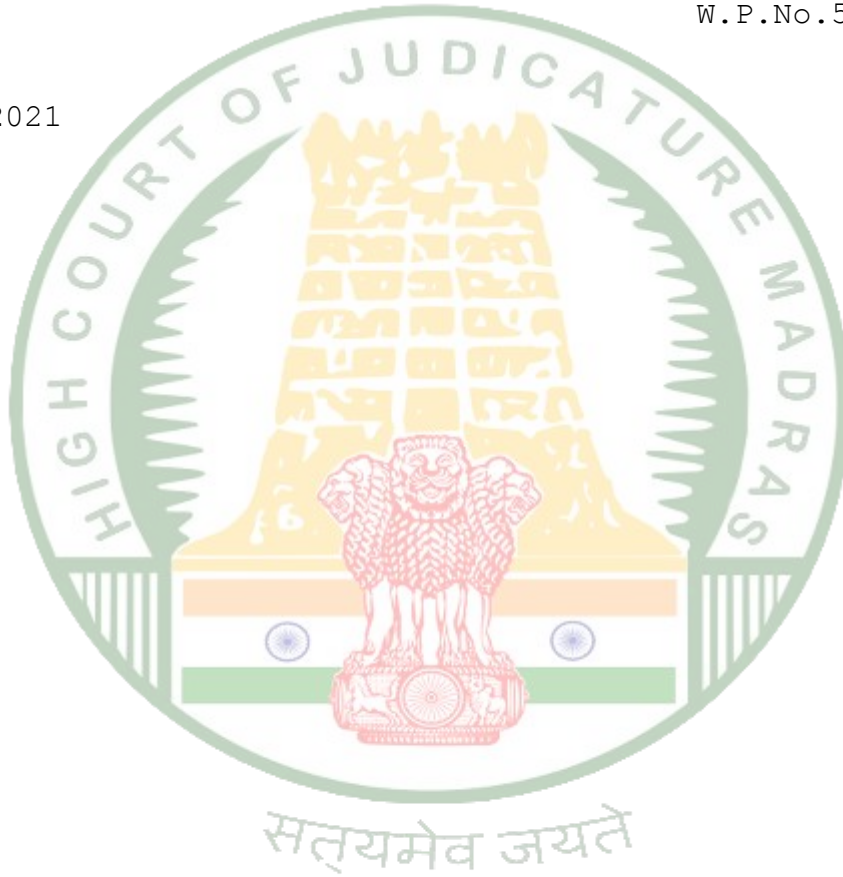
To

The Joint Director,
Employment and Training Department
Guindy, Chennai.

+lcc to Mr.Y.Deva Arul Prakash, Advocate Sr.No.15249
+lcc to Government Pleader Sr.No.15182

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PI (CO)
NR 20/04/2021



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