

W.P.No.5433 of 2021

S. VAIDYANATHAN, J.

The writ petition is listed today under the caption “for being mentioned” at the instance of the learned counsel for the petitioner. It is represented by the learned counsel for the petitioner that though the petitioner has sought for disposal of the representation dated 29.01.2021, this Court has passed a detailed order which is irrelevant to the facts of this case. It is further represented that when there is no departmental action initiated against the petitioner so far, after suspending him, there is no need to give a detailed observation in the order as found Paragraph Nos.3 to 9 of the order dated 08.03.2021, which may cause prejudice to the petitioner. Therefore, it is prayed that the Orders dated 08.03.2021 needs suitable corrections.

2. Finding justification in the submission made by the learned counsel for the petitioner and also considering the fact there may be a chance of typographical error in applying the format, Paragraph Nos.3 to 9 of the order dated 08.03.2021 are hereby substituted / recalled and in its place, the following Paragraphs are inserted:

“3.Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice on behalf of the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. A reading of the entire averments shows that there is no iota of evidence as to the initiation of departmental action against the petitioner.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner representation is already pending with the 4th respondent and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 4th respondent herein to consider the representation preferred by the petitioner dated 29.01.2021 if the petitioner is found to be eligible 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 petitioners;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 29.01.2021 and this order, to the 4th respondent forthwith;

v) The 4th 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.”

30.04.2021

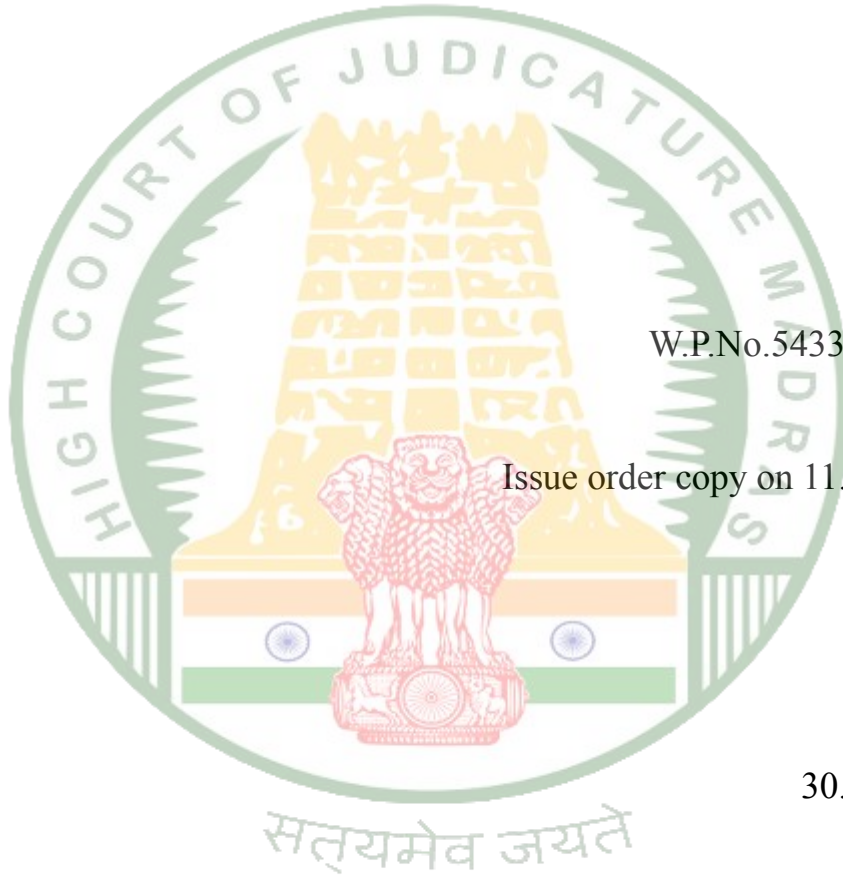
dpq

Note: Registry is directed to carry out the corrections and issue a fresh order copy on 11.06.2021

W.P.No.5433 of 2021

S. VAIDYANATHAN, J.

dpq



W.P.No.5433 of 2021

Issue order copy on 11.06.2021

30.04.2021

WEB COPY