

IN The HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5495 of 2021

P.Selvaraj

... Petitioner

-vs-

The Commissioner of Social Defence,
No.300, Purasaiwalkam High Road,
Vepery, Chennai - 600 010.

... 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 appoint the petitioner as last grade servant in the light of G.O.Ms.No.2535 Social Welfare Department, dated 11.10.1983 and dispose of the petitioner's representation dated 31.05.2018 and 05.03.2020.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.P.V.Selvakumar,
Additional Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the respondent to appoint the petitioner as last grade servant in the light of G.O.Ms.No.2535 Social Welfare Department, dated 11.10.1983 and dispose of the petitioner's representation dated 31.05.2018 and 05.03.2020.

2.Mr.P.V.Selvakumar, Additional Government Pleader takes notice for Respondent. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that the petitioner who has completed his schoolings from 5th to 8th standard in the Pancham Palli Government School for Boys and 9th and 10th Standard in the Government Boys School for Children Chengalpattu, which are run by the Social Welfare Department, especially for Juvenile prisoners, is seeking priority in the appointment of last grade servant, in the light of G.O.Ms.No.2535, Social Welfare Department, dated 11.10.1983. He

has also made representations before the respondent, seeking employment. As there is no response on the representations, the petitioner has preferred the present Writ petition.

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 respondent herein to consider the representations preferred by the petitioner dated 31.05.2018 and 05.03.2020, 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 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 31.05.2018 and 05.03.2020 and this order, to the respondent forthwith;

v) The respondent is directed to communicate the decision taken on the representations, 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 VII)

//True Copy//

Sub Assistant Registrar

vum

To

The Commissioner of Social Defence,
No.300, Purasaiwalkam High Road,
Vepery, Chennai - 600 010.

+lcc to M/s.S.Ilamvaludhi, Advocate SR.14749
+lcc to the Government Pleader SR.14886

W.P.No.5495 of 2021

PL(CO)
CB(09/04/2021)



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