

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6648 of 2021
(Heard through VC)

M.Chandrasekaran

.. Petitioner

-vs-

1.The District Collector of Salem
Salem District, Salem.

2.The Revenue Divisional Officer,
Salem District, Salem.

3.The Tahsildar,
Salem District, Salem.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider and pass order on the petitioner's representation dated 11.06.2019 with regard to grant of pension within a stipulated time.

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.J.Pothiraj
Special Government Pleader

O R D E R

The petitioner has come forward with this writ petition seeking a direction to the first respondent to consider and pass order on his representation dated 11.06.2019 with regard to grant of pension.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The case of the petitioner is that he was worked as Village Munsif in Kayam Village temporarily and subsequently, the said post was abolished by the Government. Thereafter, the Government issued G.O.Ms.No.1287 Revenue dated 06.07.1988 to appoint the Ex-Village Munsif, who have passed S.S.L.C. Hence, the petitioner has filed O.A.No.6104 of 1993 before the Administrative Tribunal and the Tribunal has passed an order to consider the claim of the petitioner in the light of the above said G.O. As per the order of the Tribunal, he was

appointed as Village Administrative Officer on temporary basis and retired from service in the year 2012. Though he was retired from service on 31.03.2012, the respondents have not sanctioned pension to him. Hence he made several representations to the respondents from 2016 onwards and subsequently on 11.06.2019 requesting for grant of pension. But the respondents have not passed any orders till date. Hence, the petitioner has approached this Court.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the writ petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation of the petitioner dated 11.06.2019, if not already disposed of. However, this Court is of the view that the laches can also be gone into by the authorities by considering the representation of the petitioner and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of twelve weeks 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 petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representations dated 11.06.2019 and this order, to the respondents forthwith;

v) The respondents are 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

rsi

To

1.The District Collector of Salem
Salem District, Salem.

2.The Revenue Divisional Officer,
Salem District, Salem.

3.The Tahsildar,
Salem District, Salem.

+1cc to Mr.D.Bharathi, Advocate, S.R.No. 17291

+1cc to the Government Pleader, S.R.No. 17340

W.P.No.6648 of 2021

KV (CO)
GN (06/07/2021)



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